

July 18, 2005



TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Thomas Perez, President
Phil Andrews
Howard Denis
Steven A. Silverman

George Leventhal, Vice President
Michael Knapp
Nancy Floreen
Michael Subin

ABSENT

Marilyn J. Praisner



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1
2 Council President Perez,
3 Good morning. Let's begin with a moment of silence. Okay. Thank you. Good morning.
4 Ms. Lauer, agenda and calendar changes?

5
6 Council Clerk LAUER,
7 The additions to the consent calendar are introduction of a resolution to continue the
8 arts and entertainment district advisory panel. Introduction on a resolution urging
9 companies to examine food-marketing practices aimed at children sponsored by
10 Councilmember Leventhal. And then legislative session this morning we've added the
11 addition of an expedited Bill, 21-05, Condominium Conversion of Rental Housing
12 Extended Tenancies sponsored by Councilmember Denis. That public hearing and
13 action is scheduled for next Tuesday, July 26th. Thank you.

14
15 Council President Perez,
16 Okay. Madam Clerk, approval of minutes.

17
18 Clerk DODSON,
19 The minutes that are listed on the agenda are deferred.

20
21 Council President Perez,
22 Okay. I'd like to take a moment, to let our friend and good colleague, Elda, know that it's
23 great to see you back. And we've all been thinking about you and I know that these are
24 very, very challenging times for you, with the untimely loss of your husband. And so, we
25 will continue to pray for you and, it's remarkable that you're already back here. But,
26 that's just the way that you are. So, welcome back. And, we'll continue to pray for you.
27 And your husband and your family. Okay. I see no petitions. So we'll move the consent
28 calendar.

29
30 UNIDENTIFIED
31 Moved. Second.

32
33 Council President Perez,
34 Move and seconded. Mr. Leventhal.

35
36 Councilmember LEVENTHAL,
37 Thank you, Mr. President, just to make a very brief comment about an item that's been
38 added to the consent calendar, Item J. This is resolution that the council will act on next
39 week, urging the companies to examine their food marketing practices aimed at
40 children. As my colleagues know, I had a series of community meetings last fall to
41 address the issue of fitness and nutrition in children and the concern about the growing
42 problem of overweight and obesity in children, here in the county. Parents in
43 Montgomery County feel that they are often unable to communicate good practices to
44 their children in the face of the billions of dollars that are spent marketing on unhealthy



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1 food to their children. As we speak the Federal Trade Commission and U.S. Department
2 of Health and Human Services are meeting to work with companies that market food to
3 children on better practices that do not take advantage of children's innocence. The
4 Institute of Medicine has encouraged local governments to address this issue in
5 whatever way can be most effective. And I've wrestled working with the Center for
6 Science in the Public Interest downtown, which has been a national leader on this issue.
7 I've wrestled with what, in fact, can this local government do. And I don't know how
8 effective we can be at the county level. But I do think the power of publicity can be a
9 very potent force, particularly when you're talking about the commercial environment,
10 public relations and marketing. And so we are seeking to use the power of publicity,
11 here in this county. We will be contacting national and local companies that are involved
12 in marketing food to children. We will be asking them for a response to this resolution
13 assuming we pass it next week with the participation of my colleagues. We will publicize
14 those companies that respond and those companies that do not respond. And then at
15 the end of the year, which, I hope will give companies time to adopt better practices in
16 marketing food to children, we will recognize according to the best judgment of the
17 Health and Human Services Committee those companies that have, in fact, adopted
18 what we believe are good practices that promote nutrition primarily and fitness also. So
19 this is the beginning of the project that the Health and Human Services Committee will
20 continue to work on this fall.

21
22 Council President Perez,
23 Ms. Floreen.

24
25 Councilmember FLOREEN,
26 Thank you, Mr. President. I had a question on Item 2F, which is the '06 schedule of
27 Revenue Estimates and Appropriations. I know this came up in the course of the budget
28 conversation and we didn't have information at that point. But given the increased
29 revenue numbers that we hearing from the state, do we know when we're going to have
30 that information locally, in terms of its increased revenue expectation that might be
31 affecting our budget?

32
33 Chuck Sherer,
34 No, ma'am. The Department of Finance in OMB only estimates revenues twice a year.
35 The next one will be in November.

36
37 Councilmember FLOREEN,
38 But, in terms of -- so, we will have no information based on the state's increased
39 numbers until November?

40
41 Chuck Sherer,
42 I think that's correct. I think -- well, I just don't think -- they do not re estimate the
43 revenues until November.



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1 Councilmember FLOREEN,
2 Right.

3
4 Chuck Sherer,
5 They do get reports from the state as to how much revenue they got. But in terms of
6 making a re estimate, they don't do that.

7
8 Councilmember FLOREEN,
9 Okay. Well, I have to say it's frustrating to see those increased numbers at the state
10 level and not know what it translates into our local numbers. If we can ask the
11 Department of Finance to keep us updated.

12
13 Chuck Sherer,
14 Yes, ma'am. I think that, when Mr. Farber and I talked about this issue, we decided that
15 the best approach was to make this schedule that's before you today, reflect the
16 numbers, the Council based its budget decision on.

17
18 Councilmember FLOREEN,
19 Of course. Of course. Of course. Yeah, okay. Thank you.

20
21 Chuck Sherer,
22 Yes, ma'am.

23
24 Council President Perez,
25 Mr. Andrews.

26
27 Councilmember ANDREWS,
28 Thank you, Mr. President. Anybody that follows the County Council knows how valuable
29 the staff is here, and how influential, really, both the staff and the Office of Legislative
30 Oversight are in helping to influence Council actions. It just so happens on the consent
31 calendar, today, we have a good example of the role that the Office of Legislative
32 Oversight plays, because the first item on the consent calendar is introduction of the
33 proposed work plan for OLO for next year, which includes a lot of important projects.
34 And the second item, which I'm going to comment on, is the evolution of one of their
35 reports, which was released earlier this year, which is about the services to juvenile
36 victims and witnesses of crime in Montgomery County. This was released, I think in
37 April and it was a follow-up report to a previous OLO study about services to adult
38 victims of crime. The Public Safety and Health and Human Services Committees have
39 met to review the OLO recommendations and findings on services to juvenile victims or
40 witnesses of crime and are recommending to the Council several actions, to move
41 forward in implementing these recommendations. They're described in detail in your
42 packets. But I did want to just mention a couple things about them. One of the reasons
43 that this is important is that national data according to the OLO report shows that only
44 37% of violent crimes against juveniles are actually reported. There are a number of



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1 reasons for that, including fear of retribution. But second, we did have 2700 reported
2 crimes against juveniles to the Montgomery County Police Department in FY '04. So,
3 assuming that Montgomery County has similar experiences in terms of under-reporting
4 that means that we have many thousands more incidents that are not reported against
5 juveniles. And so, we want to address this as best we can. And what the Committees
6 are recommending is, first, that we expand membership in the Interagency Victims
7 Services Task Force to include all the stakeholders including the schools. We are
8 recommending that the Public Safety Committee review the staffing levels for the
9 Victims Services Unit at the State's Attorney's Office. Third, that there be a written
10 report from the Chief Operating Officer of Montgomery County Public Schools regarding
11 how the school system handles and tracks and manages serious incidents as defined,
12 because there have been some issues in terms of cooperation and coordination
13 between the school system and the police department, which the school system is now
14 working on with their stakeholders. And fourth, we're recommending that -- for a project
15 for the Office of Legislative Oversight for next year, which is described actually in
16 Consent Item A, that OLO look at how the school system is using this data, and how we
17 can have a system that's as good as possible, in terms of managing serious incidents,
18 in other words, crimes in the schools. So I wanted to bring that to the attention of folks
19 because I think it's an important report and these are the follow-up recommendations
20 from it that will then influence future County policy. And, it is a cycle here that we go
21 through each year. But, the Office of Legislative Oversight plays an important role in
22 helping to make recommendations to the Council about how to make this county an
23 even better place for its residents. Thank you.

24
25 Council President Perez,
26 Okay. No other issues on the consent calendar, all those in favor signal by raising your
27 hands. Unanimous among those present. I did want to note for today's session,
28 Councilmember Praisner is at the National Association of Counties meeting
29 representing Montgomery County with distinction as she has for a number of years in
30 both the Maryland Association of Counties and the National Association of Counties so
31 we appreciate her hard work in that area. Legislative Session day 22, Madam Clerk, any
32 minutes for approval.

33
34 Clerk DODSON,
35 You have the journal of July 5 for approval.

36
37 SPEAKER,
38 Move approval. Second.

39
40 Council President Perez,
41 Move and seconded. All those in favor. Unanimous among those present. Item B is the
42 Introduction of Bills. And I want to start out by talking about -- it's listed on the packets.
43 It's Agenda Item Number 3. It's Expedited Bill 21-05. There's a typo on the front of the



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1 packet, in terms of the sponsorship. It lists Councilmembers Denis, Perez, Silverman,
2 Subin, Floreen and it should have listed Councilmember Leventhal as well.

3
4 Councilmember LEVENTHAL,
5 Thank you, Mr. President.

6
7 Council President Perez,

8 I wanted to make sure that that initial typo was corrected. And, I want to turn it over in a
9 moment to Councilmember Denis. He and I have had a number of conversations about
10 this. It turned out we were working on parallel paths simultaneously on this issue. And I
11 also want to thank my friends at the Maryland Disability Law Center who were the
12 people who actually brought this issue to my attention, a number of days ago. And, it's
13 an issue that relates to a critical part of the affordable housing challenge that we're
14 facing here in Montgomery County. We've spoken frequently about what I often call the
15 four-legged stool of the affordable housing challenge. Making sure that we have
16 workforce housing for our nurses and firefighters and schoolteachers and all those
17 people that we want to live and work in the Montgomery County. People who are living
18 at below or near poverty, the elderly is the third leg of the stool. And then the stool we're
19 talking about today are people with disabilities and making sure that we meet the
20 affordable housing needs of people with disabilities. This, I'm going to turn it over to Mr.
21 Denis who is our lead sponsor this. But this came to my attention, through some work
22 that I have done with the Maryland Disability Law Center. And condominium conversion
23 has become, frankly I think, ground zero in the affordable housing challenge. And, we
24 can talk all we want about MPDUs and that's a critically important conversation. But
25 frankly, it seems to me that we may -- all the units we generate through MPDUs in the
26 front door, we risk losing other units in the backdoor through condominium conversion.
27 And so, this issue really is rapidly become -- has rapidly become ground zero in our
28 affordable housing discussions here in Montgomery County. And the issues have really
29 taken front and center, in our county, because there is a complex, the Pavilion complex,
30 that is home to a number of people, with disabilities as well as people who are elderly.
31 And this is about to be sold to an entity called Triton Pavilion Limited Liability and the
32 closing is scheduled for the end of August. And there are a number of people with
33 disabilities who live in that building. Under current law there are a certain subset of
34 those people with disabilities who would have some protection from being displaced as
35 a result of the conversion to condominiums. But because the definition of disability is
36 unduly narrow, there are other people who live in that building, in particular, people with
37 developmental disabilities, who would not be protected from being displaced as a result
38 of the sale of this building and its potential conversion to condominiums. That is wrong
39 in my judgment. That definition of disability is unduly narrow and does not take into
40 account the full range of disabilities that people in that building and elsewhere are
41 confronting. And it seemed to make no sense to Mr. Denis, myself or any of the co-
42 sponsors and I appreciate the -- we circulated this last week. And I know Mr. Denis will
43 thank Tedi Osias momentarily. But if I could also join you in thanking her. She did a lot
44 of work on this Bill last week. And, I appreciate the hard work that she put into it. And I



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1 think today is her last day assisting before Ken gets back. And thank you, again, for
2 coming in and being the Utility Infielder that you always are. And, so, what we are
3 attempting to do today is to correct a definition of disability that is again, unduly narrow,
4 and, has the effect of putting a number of people with disabilities, into jeopardy, of
5 losing their homes, plain and simple. Being displaced as a result of condominium
6 conversion. It's important to note that, while this piece of legislation, I think is very
7 important, it alone may not do the trick, in the sense that, under state law, the provisions
8 relating to the protections for people who are elderly and people with disabilities only
9 apply to 20% of the units. And what that means, in the case of this particular
10 development, is that, when we amend, and I suspect it will be a question when we
11 amend the definition of disability, it may be that more than 20% of the people in that
12 complex are people who are either elderly or fit under the definition of disability. So, we
13 can and should address this problem, of the narrow definition of disability. But, I am not
14 certain, quite frankly, whether or not, in the case of this particular sale we are going to
15 be in a position to help every person in the unit. I should say in the apartment complex.
16 So, that's something that we will continue to monitor closely. This is a critically important
17 issue. The issue of insuring that people with disabilities can continue to thrive and live in
18 Montgomery County. The program that people, in this building, have been involved with,
19 is a wonderful program, where they have many, many supports so that, people can live
20 independently. That's the key is making sure that people with disabilities can live
21 independently. That is what we are attempting to accomplish through this amendment in
22 this law, because it is really a matter of fundamental fairness and opportunity that
23 people who can live independently, with the appropriate supports should be allowed to
24 live independently here in Montgomery County. So, I was pleased as punch to learn that
25 Mr. Denis and I happened to be working on the same Bill at the same time. And I want
26 to turn it over to him, to talk about further, and, again, thank you, Mr. Denis for your
27 leadership on this issue.

28
29 Councilmember DENIS,

30 Thank you, President Perez. Not only were we working on this simultaneously, we
31 working on it at the same time. And, together, again. This Bill addresses an issue that is
32 enormous and growing in Montgomery county and the region and that is condo
33 conversion. At a time when we are seeking to preserve and to enhance affordable
34 housing, this is -- this is a very serious matter. We have to protect the tenants to the
35 fullest extent possible, particularly the elderly particularly those who are challenged, not
36 only physically, but developmentally, and that is what this Bill seeks to do. So, today I
37 am introducing legislation that will permit developmentally disabled tenants at the
38 Pavilion to remain in their units despite a condo conversion. I want to thank the co-
39 sponsors for their courtesy and support. President Tom Perez and Councilmembers
40 Steve Silverman, Vice President George Leventhal, Mike Subin, and Nancy Floreen.
41 And to their confidential aides, Dan Parr, Peggy Fitzgerald-Bare, Lou O'Dividio, Merle
42 Steiner, Valerie Ervin, and special thanks to my own acting confidential aide, Tedi
43 Osias, who has filled in so admirably and done such tremendous work on this subject.
44 And we refer to Tedi as a Utility Infielder; I would say Tedi is an Infielder like Derek Jeter



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1 is an Infielder. I also want to thank Kathleen Boucher and Mike Faden for helping to
2 prepare this Bill, for expeditious consideration. What happened here is that a particular
3 problem was brought to our attention by tenants at the Pavilion apartment building at
4 5901 Montrose Road in the district I'm honored to represent. This Bill is scheduled for a
5 public hearing and vote a week from tomorrow, July 26. It's important for the Council to
6 act quickly because of the situation at the Pavilion and our August recess. The closing
7 date for the conversion is now scheduled for August 28. Montgomery County is blessed
8 with a vibrant economy and tremendous demand for homes. A consequence of this hot
9 residential market is the conversion of rental apartment buildings to condominiums.
10 State law requires a developer who intends to convert to offer a three-year extended
11 lease to certain renters including seniors, or a physically challenged person, referred to
12 in the code as handicapped, who has been a member of the household for at least a
13 year and has an income less than 80% of the median for the county or the area. State
14 law permits counties to pass a stronger law so long as it doesn't apply to more than
15 20% of the total units in a building. It appears that those who might be adversely
16 affected at the Pavilion may account for somewhere around 16% of the total. But, that
17 number is unclear. So this is what the Bill seeks to do, the current exclusion is simply
18 out of date. Not only should this Bill be countywide, it would make a lot of sense to have
19 this matter addressed at a statewide level. And I will in fact soon be communicating that
20 view to the appropriate state officials and will be circulating a letter to Council
21 colleagues for their consideration. A wave of condo conversions in this county is
22 accelerating. So residents throughout the county will benefit from this Bill even though it
23 derives from a particular situation in one particular building. In the packet you have a
24 copy of the relevant article, meaning article from the annotated code, dealing with the
25 real property. I have in my possession a copy of the health general article with the
26 definition of developmentally disabled and I ask that it too be included in next week's
27 packet along with sample letters received by the Council by residents at the Pavilion.
28 And should there be additional co-sponsors, I thank them in advance and ask that their
29 names be added so that the Bill can be reprinted accordingly in time for action a week
30 from tomorrow. Thank you, Mr. President.

31
32 Council President Perez,
33 Thank you. Mr. Andrews.

34
35 Councilmember ANDREWS,
36 Thank you. Thank you, Mr. Denis for your leadership on this. I would like to be added as
37 a co-sponsor. And I want to say that really the conversion of rental units to
38 condominiums is presently the greatest threat to affordable housing in Montgomery
39 County. We're seeing it in many parts of the county and right now in Gaithersburg,
40 HOC, our Housing Opportunities Commission is working to fend off a potential
41 conversion that would cost us 157 units of affordable housing at the Oakwood
42 Apartments. So it is real important that we do everything that we can to preserve what
43 we have. Because we'll fight a losing battle otherwise. And we will not only be able to
44 keep up with it, but we will see folks displaced who are currently in need of affordable



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1 housing. So this is a real serious issue. And it is a broad issue and we have to find a
2 way to first protect what we have or else we will be in worse shape than we are now. So
3 this is an issue I commend Councilmember Denis for bringing to everybody's attention.
4 And we need to be supportive of HOC's efforts to make sure we don't fall further behind.
5 And the Oakwood Apartments in Gaithersburg are a very large apartment complex. 157
6 units is a very significant number. And the County Housing Opportunities Commission is
7 working to exercise its right of first refusal to preserve those units but they are being
8 challenged by the current owners about the validity of that. And I hope that HOC, and I
9 am confident they will, will stay the course on that and that the Council will be very
10 strongly supportive as well.

11
12 Council President Perez,
13 I'm sorry, Ms. Floreen.

14
15 Councilmember FLOREEN,
16 Thank you. I just wanted to extend my appreciation to Mr. Denis for taking the lead on
17 this issue. It is a critical issue indeed as Mr. Andrews points out. It's not just
18 Gaithersburg; it's throughout the county where we are seeing significant conversion
19 issues. Frankly, it's a regional issue as well. But I just wanted to remind everyone that I
20 introduced a resolution earlier this year before we got into the budget addressing the
21 taxes that are going to be received from some of the condo conversion issues to the
22 extent that units are converted. I am optimistic that the Housing Initiative Fund will be
23 receiving a significant additional pile of dollars that will allow us to reinvest in the
24 preservation of affordable units. We shall see how those numbers sort themselves out.
25 But I think we are working to address the loss of existing affordable units on a number
26 of fronts. And I'm hopeful that sometime later in this fiscal year we will have in place a
27 plan that will give us some real teeth in acquiring and preserving affordable units. We'll
28 see how that goes. But it is a dark sight indeed to see the loss of these units.

29
30 Council President Perez,
31 Mr. Knapp.

32
33 Councilmember KNAPP,
34 Thank you, Mr. President. I would too like to thank Mr. Denis and Mr. Council President
35 Perez for the leadership on this issue and ask to be added as a co-sponsor.

36
37 Council President Perez,
38 Great. Well, I have had an opportunity to consult with --

39
40 SPEAKER,
41 Call Ms. Praisner.

42
43 Council President Perez,



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1 -- The Chair of the PHED Committee and we will, rather than have it in Committee we
2 have one more session before we adjourn for the summer recess. So, we will obviously
3 have a public hearing, and then we will take it up after the public hearing. So we will not
4 be going through the Committee and if there are issues that arise in the course of the
5 public hearing, we will take them up in the full Council. And that is with the assent of the
6 Chair of the PHED Committee. So, thanks to everyone. Thanks, again, to Mr. Denis for
7 his leadership on this and it obviously is not a problem or challenge limited to that one
8 building although that is the area where it's most immediate. Moving to call of Bills for
9 final reading, 16-05, Electrical Permits. Let's turn to Ms. Floreen.

10
11 Councilmember FLOREEN,

12 Yes, thank you, Mr. President. This is a Bill Ms. Praisner introduced this to, basically
13 allow a little bit more flexibility in terms of who can do electrical work on their home.
14 Basically it extends the current. Right now if you are on the deed to your home, you can
15 perform electrical work without, as long as you pass proficiency test. This extends that
16 to members of the immediate family. It's a modest improvement designed to allow the
17 preservation of existing homes and to give homeowners a break when they do repair.
18 So, with that the T&E Committee recommends approval.

19
20 Council President Perez,
21 There are no lights. So, Madam Clerk, call the roll.

22
23 Clerk DODSON,
24 Mr. Denis.

25
26 Councilmember DENIS,
27 Yes.

28
29 Clerk DODSON,
30 Ms. Floreen.

31
32 Councilmember FLOREEN,
33 Yes.

34
35 Clerk DODSON,
36 Mr. Silverman.

37
38 Councilmember SILVERMAN,
39 Yes.

40
41 Clerk DODSON,
42 Mr. Knapp.

43
44 Councilmember KNAPP,



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1 Yes.

2
3 Clerk DODSON,
4 Mr. Andrews.

5
6 Councilmember ANDREWS,
7 Yes.

8
9 Clerk DODSON,
10 Mr. Leventhal.

11
12 Councilmember LEVENTHAL,
13 Yes.

14
15 Clerk DODSON,
16 Mr. Perez.

17
18 Council President Perez,
19 Yes. The Bill passes 7-0. Okay. Let's turn to the next session I'm going to turn it over to
20 over to the distinguished chair of the Public Safety Committee, This is a briefing on
21 gang prevention and intervention. And people will recall, a few weeks back, I don't recall
22 the precise date, we had a very informative briefing from county government officials on
23 what is being done at a governmental level to address the gang issues. During the
24 course of our budget process, we approved a substantial investment in gang prevention
25 and intervention initiative, but we also said that we wanted to learn more about the
26 process. Both the chair of the HHS Committee and chair of the Public Safety Committee
27 and then the full Council were very interested in learning more about what is the plan
28 and what will the involvement be between the government entities, the police, HHS,
29 other government entities, and our private non-profit communities? Because it was our
30 strong sense that, in order for this to work, and work successfully and be sustainable,
31 we had to have a very meaningful partnership between both the public sector, and the
32 non-profit community, because the non-profit community, is frequently -- and
33 Montgomery County is no exception, is the eyes and ears of the community. They have
34 the relationships of trust with the communities that we are attempting to help. And after
35 the hearing that we held, a month or so ago, I met with Mr. Andrews to map out some
36 next steps. And we agreed and others agreed that it would be very useful, as we move
37 forward, as a Council, to hear directly from some of the non-profit communities in the
38 county about what they are doing. And to hear your views about what we should be
39 doing, to get the job done. Because one thing that's abundantly clear to me is that many
40 of you have experiences that are invaluable. That provide invaluable insights to us as
41 we move forward. And we very much value our partnerships with the non-profit world.
42 And that is why we are having this session today, so that we can hear from you. We can
43 listen to you about what advice that you have for us as we move forward. Because we
44 want to help. We want to make sure that we are putting our best foot forward. We don't



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1 have all the answers. In fact, we have more questions than answers. So, we're really
2 looking to you for guidance on how we can invest our resources strategically and
3 successfully, so that we can address this issue. You've been around the block on these
4 issues significantly that the panel we have is a very distinguished panel. I want to thank
5 Joan Planell and Rosa Garcia who were very involved in organizing this morning's
6 session. And I think we have a very distinguished group of panelists not only from
7 Montgomery County but from the metropolitan Washington area. Because we're not in
8 this alone. And so many of our neighboring jurisdictions have been tackling this
9 challenge and we have a lot to learn from them. That is why the panel has been
10 assembled today that not only includes Montgomery County stakeholders, but also
11 includes people from the metropolitan Washington region who -- We thank you for
12 taking the time to come and to educate us today. And we appreciate what you are doing
13 for us and we're all in this together. So, we look forward to learning from you about what
14 we can do to tackle this. So, I'm going to turn it over to Mr. Andrews. And I thank you,
15 Mr. Andrews, for your leadership on this issue.

16
17 Councilmember ANDREWS,

18 Thank you, Mr. President. I would like to invite the panelists up to the table at this time.
19 They are Judy Docca, who's a sponsor of the Montgomery County and NAACP Youth
20 Council. Diego Uriburu, who is the Deputy Director of Identity. Mai Fernandez, the Chief
21 Operating Officer of the Maryland Multicultural Youth Centers, Washington, DC and
22 Maryland. Juan Pacheco, who is the -- and Kevin Sanchez, who are with the Manager
23 of the Kids Club and Neighborhood Pride of Barrios Unidos in northern Virginia. Tyrone
24 Parker, who's the Executive Director of the Alliance of Concerned Men of Washington,
25 DC and who has worked with the County Task Force on mentoring and establishing a
26 mentoring program at the Clarksburg Jail. And Modesto Ulerio the Executive Director of
27 The Association of Neighbors in Prince George's County.

28
29 Council President Perez,
30 See if we can get one more chair.

31
32 Councilmember ANDREWS,
33 One more chair up here.

34
35 Council President Perez,
36 That would be wonderful.

37
38 Councilmember ANDREWS,
39 And we have about -- First, let me thank you for joining us today. As the Council
40 President said, it is important that we hear directly from people who are active in the
41 community who are working on this issue everyday and see it first hand and on the
42 frontline. Because you've got insights that not everybody else has and this will be a very
43 valuable complement to, I'm sure it will, to what we've heard already from the Police
44 Department Chief, Thomas Manger and Carolyn Colvin, the Secretary of our Health and



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1 Human Services Department, who are the Co-Chairs of the County Task Force on
2 Gang Prevention Intervention and Suppression. So, today is our day to hear from you
3 and we'd like to have you tell us what your insights are on this, what you think the
4 county needs to do, what you think works, what you think doesn't work. Whether we're
5 heading in the right direction or whether we need to seriously consider doing something
6 else. So please be very frank. This is televised, just so you know, so don't say anything
7 wouldn't want to see on the front page of the newspaper. We have about an hour and a
8 quarter for this discussion, so I'd like to give you about five to ten minutes each. You
9 can take less if you want. You don't have to take ten. I want to make sure there is some
10 time for questions.

11
12 Council President Perez,
13 If they could perhaps take five minutes each, that way we can have an interaction. If
14 they take five that'll take 35 right there and then we can use the second half to address
15 questions. Because I suspect there will be a lot of them. If you could start out by going
16 left to right. And identifying your name because we have closed captioning and they
17 need to know your name [INAUDIBLE]. Maybe Judy, if you could just identify your name
18 and then we'll go across have everyone identify their name.

19
20 Judy DOCCA,
21 I am supposed to have that I hope. I am Judy Docca and I have been the sponsor of the
22 Montgomery County NAACP Youth Group. This is my second time around with it. I had
23 the group about 20 years ago. So I've been involved for a while. This group is open to
24 all students. We do recruit all over the high schools and the students recruit each other.
25 And they are eligible if they're 13-18 years old. We have bylaws from the state and from
26 the national organization that we follow. The committees that are set up are education,
27 health, legislation, and political action. The student's work very hard on voter
28 registration, last year, they'll probably still be working on that. They are involved in
29 tutoring which I didn't mention here. But they do tutor at the elementary schools. They
30 do some mentoring. They have to attend the adults meetings to find out what the adults
31 are doing in the NAACP to work on some of committees with them. They do go to state
32 meetings and to regional meetings and to the national meeting which was held in
33 Milwaukee this year. There are sets of meetings for the youth at these places so they
34 can develop their programs based on what the national theme is and what the concerns
35 are. They plan a Multicultural Youth Summit; we've done that for the last two years.
36 We've had the Youth Summit before but it wasn't multicultural. And we tried reach out to
37 all of the communities and we've had presenters that come from the different
38 communities to talk about some of the issues that are affecting students in terms of
39 multiculturalism, in terms of criminal justice, conflict resolution, education, in general,
40 scholarships and that sort of thing. And, we have worked in homeless shelters,
41 providing meals and serving meals at these shelters. And, they work for other
42 organizations that ask us to register people, for instance, the Alpha Phi Alpha breakfast,
43 and we've done some other registrations at the Martin Luther King breakfast and
44 Freedom Fund [INAUDIBLE]. I think that's it for the youth group. I have worked with



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1 other youth groups and there are people here like Fred Evans. Who has worked with
2 me also with other students that have been in need of individual counseling. Thank you.

3
4 Council President Perez,
5 Thank you, Judy.

6
7 Councilmember ANDREWS,
8 Thanks for your long-time service to these and other issues. Diego.

9
10 Guest URIBURU,
11 Good morning. Council President, Mr. Andrews and members of the County Council. I
12 want to clarify, this is just an introduction?

13
14 Councilmember ANDREWS,
15 Mm-hmm. Well --

16
17 Council President Perez,
18 We really do -- Feel free to comment about -- This is the time to comment.

19
20 Guest URIBURU,
21 My name is Diego Uriburu, and I'm the Co-Founder of Identity and I'm its Deputy
22 Executive Director. Identity provides regional responses to a lot of the questions, in
23 addition to a background of Identity. And, a summary of a needs assessment Identity
24 conducted in 2002 and 2003, regarding risks and projected factors of Latino youth in
25 Montgomery County. And the summary contains information about, specifically, gang
26 related risk and protecting factors. Identity has been very successful in the area of gang
27 prevention but has failed the isolation and the desperation in the area of intervention.
28 There's currently no specific strategy in the county to deal with the issue of intervention.
29 When a youth comes to Identity, and after having gone through the program, or some
30 youth come referred by the justice system, after establishing a trusting relationship and
31 they tell you that they want out of the gang, it is very difficult to come with a systematic
32 solution, or approach, that will fit all of the cases. Each case is very, very specific and in
33 the information that we provided you with has some of the issues that affect the type of
34 intervention or strategy that in this case Identity, needs to deal with at the time of
35 deciding what to do. It's many, many cases we feel completely paralyzed. The short-
36 term actions that need to be taken, and there's long-term actions. The short-term
37 actions might save a life for a week, maybe two, maybe for a weekend. But then when it
38 comes time to find out what are we going to do, in order to help this youngster. And
39 sometimes the youngster and the family, Identity feels paralyzed. There's no specific
40 contact person in the county that we can speak with. There's no agency that specifically
41 deals with it. So, the agencies start shopping around with the police department, with
42 HHS, with the County Council, with members of the County Executive, with non-profit
43 organizations and sometimes, we find railroad blocks everywhere. Why? Because
44 there's nothing that has been thought about especially how to deal with this situation.



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1 And I'm talking about youth who are trying to leave the gangs. But in addition to that,
2 with the specific issues that affects the way that we might take, to address the
3 youngster's desire to leave the gang. The other issue that I want to comment about is
4 the -- my belief that the county will make a big mistake if it continues to pour money or
5 monies into programs, both in terms of prevention and intervention that are not size-
6 based and who do not have measurable outcomes. You have -- we have very limited
7 resources so the resources that we have need to be used wisely. So it's not just a
8 question of money but how the monies are used. And I don't think we're going to come
9 up with a strategy that will fit, that would meet the needs of youth that want to leave the
10 gang today. So, my recommendation, Identity's recommendation is that we work
11 together. By together I mean the police, HHS, and MCPS, the CBOs, politicians and, if
12 we can, some gang members, to really develop strategies that will work and meet the
13 needs of these youth. And I think that strategy should contemplate what's happening at
14 the federal level and also, what happens in countries in Central America, because what
15 happens there affects what happens over here. So that's it for now.

16
17 Councilmember ANDREWS,
18 Thank you.

19
20 Council President Perez,
21 Thank you. Please proceed.

22
23 Guest KAPLAN,
24 Good morning. My name is Lori Kaplan and I'm the Executive Director for the Latin
25 American Youth Center in Washington, DC and the new LAYC Maryland Multicultural
26 Youth Centers that have opened in Montgomery and Prince George's Counties. I also
27 just want to turn around and introduce Gabe Albornoz knows who many of you will be
28 seeing; he's our Maryland coordinator here in Montgomery and Prince George's
29 Counties. Since we're a little bit new to the county, what I would like to do, before I go
30 into the substance of my testimony is to just tell you a little bit about the youth center
31 and the new LAYC Maryland Multicultural Youth Centers, which recently opened. For 30
32 years the Latin American Youth Center has served as a community base, multicultural,
33 and multilingual youth and family development center in the District of Columbia. The
34 center seeks to help youth become successful and happy young adults by providing a
35 comprehensive set of youth development programs to build the skills they need to
36 succeed in adulthood and to become actively engaged in their communities. The center
37 provides many educational programs and I won't -- in order to save time I won't go
38 through them all. Just this year we received funding to go open youth centers in
39 Montgomery and Prince George's Counties. In addition, Montgomery County awarded
40 as a youth workforce investment grant, which will train and employ 100 youth over the
41 next year. This program will begin in early August. And thanks to all of you at the
42 County Council, we will be able to supplement this grant by hiring a social worker and
43 new computers for the young people to work on. This past June we began our work in
44 Prince George's County with 120 kids. And our District of Columbia site the center



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1 serves approximately 5,000 children, youth, and family members annually. I think it is
2 safe to say, that many of the youth 14 years and older. Sometimes even younger, are
3 gang involved. Have been gang involved at some point in their life. Or most certainly are
4 affected by gangs in their community. However, it is important to note, only small
5 number of youth are involved in criminal activity. Let me explain, many of the parents of
6 our youth immigrated to the United States to find safety and a better way of life for their
7 children. Upon arriving in the United States many of these adults find themselves
8 needing to work two to three jobs just to make ends meet. Keeping the family clothed
9 fed and housed becomes the priority. Unfortunately, this means that many youth and
10 often children are not adequately supervised at key times throughout the day and
11 evening. This lack of supervision often leads to boredom and a sense of insecurity,
12 which cause the children to join gangs. In addition educational failure adds to their
13 sense of disenfranchisement from their schools and community. And poverty in general
14 affects their quality of life, joining a gang gives a youth a group of friends to hangout
15 with, a sense of security which they cannot get elsewhere in their lives. These young
16 people, however, are not super predators. They are young people looking for a sense of
17 belonging. Most youth who are in gangs are not criminals. Having said this, I believe
18 that when gang members get involved in criminal activity, there needs to be decisive
19 action. Three years ago, Columbia Heights, Washington, DC, my neighborhood where I
20 live and work was plagued with a spree of gang related murders. There was a swift law
21 enforcement response, which investigated the cases and apprehended the --
22 perpetrators. Many of whom were not youth; many were older, young adults. The law
23 enforcement response sent a clear message to other gang involved youth. If you
24 commit crimes you will, in fact, get punished. However, after the spree of homicides the
25 police realized what the community knew long before, sending our youth to prison was
26 not the answer to gang problems. The answer was and is to stop gang involvement and
27 crime before it occurs. As a result, an unprecedented gang intervention partnership was
28 formed in the District of Columbia. This unique partnership, as Diego just
29 recommended, brought together police, prosecutors, community social service
30 providers, school based staff and most importantly, young people themselves, to
31 develop intervention strategies for youth who were at high risk of committing crimes.
32 What often occurs is that a community member, often a young person or a LAYC
33 Outreach worker or a member of the Youth Cool Down Team. We created a team of 20
34 kids many whom had ties to the gang who became the Cool Down Team, will find out
35 that a youth or a particular group of youth are in some kind of trouble. The members of
36 the gang intervention partnership quickly come together to ensure that the youth is
37 supervised, that he or she is involved in structured activities, that he is safe and his
38 family members are safe. If the youth faces real security problems arrangements have
39 been made to place the youth and family members in witness protection programs. The
40 outcome has been, I have to cross my fingers and knock on wood, that there have been
41 no gang related homicides in our neighborhood for the last three years since the [GIP]
42 was formed. This collaborative effort is described in greater detail. Actually, it didn't
43 make it into the packet. It was, but we can get you more information on this effort. At the
44 same time that the [GIP] was formed, the youth center also formed its own in-house



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1 gang intervention and outreach team to address the growing gang issue in our
2 community. I'd like to make the point this a youth that has been involved in gang related
3 criminal activity can and does turn their lives around, particularly when they are given
4 the opportunity to find a job, coupled with other social supports and mentoring from
5 adults and young people who care about them. At the Latin American Youth Center we
6 have many programs that work with youth who have a criminal record. We have a
7 reentry programs, whereby probation officers of [SINUS] newly released youth, we help
8 them find jobs in counseling. In other instance they come to us freely, looking for
9 opportunities to change their lives. Finding a steady job for a youth is the best way to
10 discourage him or her from reentering the gang world. This often gets very complicated
11 based on documentation status of the young people. But we have found ways to
12 address that issue. We have created alternative charter schools with the vocational and
13 educational component for youth who have dropped out of school. We have girls youth
14 leadership programs, young men's leadership programs, many different activities. Many
15 Latin American youth centers staff are young people just like these -- I'm going to take
16 that back, are young people who were formerly gang involved. I have no idea about
17 these young people, and today, they have turned their lives around and are working and
18 are actively helping turn the lives around of many more young people. It is important to
19 note exactly what Diego just mentioned, no one program, no one sector can truly
20 address this issue. It has to be a collaborative effort where relationships surround the
21 young people with positive abilities, positive adults, positive peers to address their
22 issues. Our experience correlates with national research on the issue. This document
23 just came out; the national leading crime indicators suggest that gang crime is
24 centralized in neighborhoods that are struggling economically. I am sure that you
25 already know that. According to one L.A. study, published in the "Journal of Trauma,
26 Injury, Infection, and Critical Care", it analyzed the correlation between gang related
27 homicide at the community level and eight socioeconomy factors. The strongest
28 correlation between gang involvement were employment and income. In communities
29 where unemployment rates were between 14 and 16% there were 15 times as many
30 gang homicides as neighborhoods where the unemployment rate was 4-7%. As the
31 study concludes, the community level correlations between unemployment, lower
32 income, and gang related homicides suggest that community based economic programs
33 may be more effective than conventional criminal justice suppression and education
34 reform programs. I see some heads nodding here so I appreciate that coming from the
35 young people. Therefore we believe that the Latin American Youth Center, Maryland
36 Multicultural Youth Centers, the workforce investment grant, the county funds, our
37 colleagues on this panel working together with will have the dual affect of employing
38 youth and decreasing gang involvement. I urge you to also consider having funds to
39 develop a [GIP] type program Montgomery County. We're now working on that on your
40 neighboring Prince George's County. Having a program that identifies gang involved
41 youth, coupled with the youth employment and comprehensive social supports could be
42 a large step toward decreasing gang violence in this area. One last thing to say and
43 then I will give up my time. We've had a lot of focus group with parents and we asked
44 the parents what they thought would be best deterrent for their young people involved in



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1 gangs and we thought we'd hear things like more programs and whatever. What the
2 parents said is give us living wage jobs. That's what will help us because then we can
3 be home at night, we can be with our children, be with our families, supervise the kids in
4 the way that we want to do. So with that, I'll conclude my comments. I appreciate this
5 time. And I want to thank the County Council for your support of our work. And I look
6 forward to working, almost everybody up here I already know. So I look forward to
7 working with you in the coming years. Thank you very much.

8
9 Council President Perez,

10 Thank you, Ms. Kaplan. Please introduce yourself for those listening in and tell us your
11 thoughts.

12
13 Guest PACHECO,

14 Hello, it is a pleasure to be here this morning and I thank the Council for giving, Barrios
15 Unidos and myself an opportunity to bring some young people here to represent, you
16 know, other young people in our communities whether it is Montgomery County, or
17 Fairfax County, because a lot of our young people are going through the same issues of
18 vulnerability of feeling isolated of needing agencies, families and communities, to foster
19 an environment of hope for our young people. Sometimes, you know, we as adult make
20 the mistake of thinking that gang members are hopeless. And that is the biggest
21 mistake we could make as a society. The hope, because of poverty and because of the
22 issues that you mentioned has just been obscured. And it's up to people like us and it's
23 up to people in the community to build these partnerships of love, of understanding, of
24 nurturing of giving our young people structure that will make the change in our
25 communities, building alternative. Sometimes we as adults make the mistake of thinking
26 that by giving a young person a pamphlet that says join a gang you lose, here buddy,
27 see you next week, that is going to be enough. That is not enough. We need provide
28 those young people with love. When do we think -- think about going out there and
29 giving a gang member a hug regardless of what we have been conditioned to think a
30 gang member has to look like through the media. There are two things that I would like
31 to empathize that this county could do to help our young people, and that is holistic
32 truthful reeducation to the general population of what this issue is all about. Right now, if
33 you look and read at newspaper articles or you hear news and the TV, what do you
34 always find connected to the word gang? The word Latino or the word Hispanic. If you
35 don't have those two words, you have Spanish names of the gangs. So, automatically
36 the general population has an understanding that the Latino community they think is the
37 cause of the gang problem. When in actuality the gang problem is the effect of
38 ineffective communities. Whether it is, you know, not having redirected the services to
39 the people that need it most. Or whether it is, you know, our County agencies spreading
40 and extending their walls to go to the communities that are vulnerable to help our young
41 people. I hear a lot of messages from a lot of folks in county that a gang member really
42 wants -- they have to really, really want it before I could help them. Right? The
43 probability of a gang member coming to your door and saying hey guys, can you save
44 my life? Let me walk to your teen center or where ever it is. Can you save me? It's 0.0



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1 0.0. So we as a nation, as a community agency, need to pump up that probability and
2 go to where they are. Go to their communities. Seek them out. Let them know that there
3 is opportunities. You know, right now, like I said, the thing with the media, nine out of
4 ten Latino gangs, blah, blah, blah. Right now if you would see me out in the street right
5 now, to the general population, I'm a gang member. Right? Take this off; I'm not strip
6 teasing hold on. Don't get nervous.

7
8 Council President Perez,
9 I was going to talk to you about that.

10
11 Guest PACHECO,
12 Okay, I know, I know.

13
14 Council President Perez,
15 That raises a lot of issues.

16
17 Councilmember ANDREWS,
18 Diego, can you get a Red Sox cap for your next presentation?

19
20 Guest PACHECO,
21 Because of my past and the record of negativity that I built from myself a long time ago,
22 they look at me like I'm some worthless gang member but I'm not. Okay? And the
23 reason I am not, the person who built a record of negativity when I was young is
24 because agencies just like Identity and Barrios Unidos looked at me like a human being.
25 They didn't look at me as young person who's supposed to be squashed or deported or
26 prosecuted or incarcerated to make a point. Now, right now there's an environment of
27 hopelessness within the people that are making the Bills in our community. There's Bills
28 out there like the Gang Buster Bill who says that if my friend Willie here gets in trouble
29 and I go out there and kill somebody he goes to jail automatically for 10 years even
30 though he is a juvenile, he didn't commit the crime. Just by the crime of association. So
31 it doesn't matter how many prevention, you could have 300 prevention programs out
32 there. But if we're making Bills that will make it impossible for young people like this to
33 get the prevention initiative then we're setting up an environment in a situation for failure
34 in the young people. The other thing, accountability, responsibility. I was at county
35 agency, county meeting in Fairfax County, where folks from the Department of Justice
36 taught the community a very important statistic. In a gang, in a youth gang only 3% of
37 those people in that gang will never change. You could give them education, exposure,
38 accountability, mentorship whatever. They're never going to change. That logically
39 means that how many will change if you give them options, if you give them alternative,
40 if you give them our love, 97%. Big chunk, right? So, here's the disconnect between the
41 people who are making decisions and channeling the money to our communities. How
42 much do you think is actually going to prevention and intervention in our community? In
43 our counties? In the states? In the United States? Minimal. Most of it is going to
44 suppression. To deportation. To hire more prosecutors to make more gang units, to



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1 make the laws even bigger, to get patrol cars, to get computer database information to
2 keep records of names. But the people that need the help are not seeing it. We as a
3 community have three things that impede us from doing the right thing. Number one is
4 denial. We as a county right here in Montgomery don't have that problem anymore.
5 That's why you are here. You want to learn, you want to give young people
6 opportunities. Number two, it is overreaction. It is this overreaction that's making it very
7 terrible for our young people to get services in the community. I know that a lot of
8 counties have a lot of prevention programs. But what we need to make sure of is that
9 are -- the vulnerable people who are going through gang victimization, you know, gang
10 self-victimization that our young people are going through, really having access to all
11 these is programs. The county, I've been in this county. You guys have some beautiful
12 recreation centers with basketball, with football, with all these beautiful things, but are
13 the people who are suffering in our communities being welcomed to those centers? Are
14 they coming in the masses that need to come to those centers? And are those centers
15 really being supported? Intervention, again, we need to go out and give those gang
16 members a hug and give them opportunities or else they won't come to our door. So
17 that was number two, overreaction. Right? If we see our young people as threats and
18 people that need to be deported we will not make a difference. We need to foster that
19 sense of hope in all young people. Number three, is inaction. I want this council to
20 hopefully build wisdom with the information that the county has provided you and the
21 information and the data that you are gathering right now. But, not only wisdom, but we
22 need to have utility to make viable alternatives for our young people. Okay? The last
23 thing that we need to do as a community is come back again in six months and restudy
24 the issue and then come again in five years from now and let's restudy the issue, and
25 then let's do it again ten years ago -- ten years from now, to restudy the issue. Learn
26 from the things that California has done, what they have been through. Learn from the
27 things that northern Virginia and Fairfax has gone through, learn from them. And let's
28 not stop reinventing the wheel. Because as we go around our young people are still
29 living in poverty, in hopeless, you know, situations and we, as a community need to go
30 out there and spread our love and opportunity to our young people. Oh, and by the way,
31 I'm studying to be a medical doctor at George Mason University.

32
33 Council President Perez,
34 That's great. Thank you very much.

35
36 Councilmember ANDREWS,
37 Great, thank you.

38
39 Council President Perez,
40 Please tell us who you are.

41
42 Guest SANCHEZ,
43 Good evening, Chairman of the Board, my name is Kevin Sanchez I'm 17 years of age.
44 I'm here today just to talk about the issue on hand. I grew up in a place where, there



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1 was not a lot of choices to make. It was either you join a gang. You either get into
2 trouble or you just do nothing. You know, what I am saying? But as I sit here today, I
3 hope that you learn from all the things that these people say. That you take the
4 strategies and the important values that they give to you and take with it and create
5 ideas. What I do as a person, what my partner Willie Canas, as people, we're there in
6 the community. We believe that you have to attack the problem, not by a whole region
7 or by a whole community, attack it by neighborhoods. That's where the majority of
8 violence you see are from -- People from different neighbors attacking people from
9 other neighborhoods. If you look into the people's in the neighborhoods and value and
10 increase the, how do I say, increase the positive values within a person's neighborhood
11 the environment. You can make that a better place. Because you can build community
12 centers, that kid can come from that terrible neighborhood right to the community
13 center, but right after the community center he has to go back to that terrible
14 neighborhood. There's a whole disconnect. People don't know things about, you know; I
15 can get a job here. The resources are there. Because there's a disconnect between the
16 government and between the people, you know, increasing the young people's voices
17 by having neighborhood meetings, constantly, not on a yearly basis. But on a weekly
18 basis, on a monthly basis. Where you know that crime is high, where you know that
19 there's a higher probability of a young person joining a gang. You need to have these
20 meetings so you can find out who are the strong voices within the community. You need
21 to figure out who are those important people that can make change with their friends
22 that can make change with their family. And with doing that, you can have that avenue
23 of those resources going to the people. As I expressed to you today, that, don't ever
24 give up, you know. You can have money. You can put money here and put money there
25 but make sure it is being put in the right place where you know it has to go. What she
26 was saying to you is a perfect example of what you need to do. Intervention is always
27 the lowest, that's like sort of the last resort, a county or a government or whatever does
28 because they see it as a high risk. It's not a high risk. You see? You have to look at it as
29 a point of, you know, intervention is getting a person out of that gang so he doesn't have
30 to reach that point of murdering somebody. So -- How much more time do I have?

31
32 Council President Perez,
33 You can take a couple minutes.

34
35 Guest SANCHEZ,

36 Oh, and what I -- what we have been doing is, actually is, we actually did speak to the
37 Board of Supervisors in Fairfax County. And we did open their eyes to help the youth.
38 They have hired us -- hired us five there's another three that we can work with the
39 neighborhood centers and work with the teen centers to figure out what are those
40 programs that are working? To figure out what are those centers are doing right or
41 wrong? And then figuring out how to get those resources to the people because there's
42 a humongous disconnect, humongous. And hopefully, in the future, what I am trying to
43 develop is a thing called Unified Neighborhood Pride. Because I know that some
44 counties have neighborhood centers. But they're just so -- they're not in abundance, you



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1 see. If they allocate funds and allocate money and allocate resources for specific things
2 like neighborhood centers where you can go, not only the hotspots but spots that have
3 the potential of being, you know, highly criminally active, then you can decrease not
4 only gang violence. You can decrease the overall domestic violence. The overall drug
5 trafficking. The overall poverty. You can decrease so much things by putting centers
6 within these peoples homes, within these peoples neighborhoods. And I'm just going --
7 we've been going through that process of just trying to get that off the ground with the
8 help of the Board of Supervisors of Fairfax County. Receiving those connections and
9 we're only kids. You see? You see the importance of what a youth voice can be over
10 powerful people in government. He's only 15 and I'm 17. The other people are 17,18. By
11 finding people that have the potential of changing people's minds, having the potential
12 of changing and opening government officials eyes that's what you need to find within
13 these peoples homes. This is what you need to help. Thank you.

14
15 Council President Perez,
16 Thank you, Kevin.

17
18 Guest CANAS,
19 I'm Willie Canas. As he said, I am also a youth worker for Fairfax County. But also,
20 we're trying to start our own, like, organization called Neighborhood Pride. As I sit here
21 today, sort of what he said, don't give up. And like, I mean how many people are from
22 the neighborhoods? I mean, seriously, where are the people from the neighborhoods?
23 Where are the kids? Where is everybody? We have county officials and we have
24 entrepreneurs, business people. Where are the people that live within the place that
25 are, you know, there are danger, you know, people that live through it every day. They
26 don't know if they're going to live the next day. Where are those people? We talk about
27 them, you know, and we have meetings, we hold meetings. But where are the people,
28 you know, that actually go through it? You know? And that's what we fail to see. We,
29 you know, we're like, yeah, gangs this. But where are the gang members? You know, I
30 mean, like as county officials you don't live in the bad neighborhoods. I mean, you don't
31 go and you don't -- oh, man, they're going to kill me or something. You know, but the
32 people that actually go through it need to be here and tell you what they need
33 personally. You know, we need more of those people, you know, and more kids, you
34 know, we're not the only kids in the world, you know. We need more people like this.
35 And we're not even from Montgomery County. You know what I'm saying? Like, you
36 need more people, more kids, more youth, more people, you know, that have gone
37 through, you know, dangerous experiences, you know, that like, been through it, you
38 know, and lived it and still here, you know, and tell you, you know, what they did and
39 what they, what you guys can do as a county to help youth in, at risk youth and like just
40 youth in general. And also don't see intervention as risk because, I mean, if a gang
41 member is still in a gang, he's going to go out there and still try to recruit people. But if
42 you try to get him out, you know, pull him off, tell him about all these resources that you
43 guys have, you know, maybe he will take them, maybe he won't. But it's a good risk,



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1 you know. It will help the people, in -- you know, you won't read the news, oh, another
2 kid shot, you know. So, that's basically all I've got to say. Thank you.

3
4 Council President Perez,
5 Thank you. Okay, Mr. Parker.

6
7 Guest PARKER,

8 Good morning. My name is Tyrone Parker, Executive Director at the Alliance of
9 Concerned Men. And it is an exceptional honor to be here today. Following a perception
10 and the contents of youth balance and how it can be circumvented. After listening to this
11 panel today, I feel there's very little that I can actually add to it in the contents of
12 solutions. Because I've heard a number of different comprehensive approaches that
13 basically at the end of the day, after they're analyzed, I think Montgomery County will be
14 able to enjoy the benefits of not experiencing with our other communities have
15 experienced in regards to used violence. I think Phil Andrews, with regards to your
16 vision, your leadership has been extraordinary to be able to get in front of the curve, to
17 be proactive instead of reactive. To actually circumvent the number of funerals that
18 have occurred in other communities that we have seen. Looking at Prince George's
19 County and what they are encountering there. Looking at the District of Columbia and
20 what they just have went through. Looking at Baltimore City. So we have seen a rash of
21 different homicides that have occurred that are basically just shook the mere comfort of
22 public safety around us. And nothing can function under the aspects of fear and
23 violence. So, from that perspective I think that we have a golden opportunity to be
24 proactive. I have heard some concepts in regards to saying individuals must
25 demonstrate love. Be proactive about it. Look at it from the different perspectives of
26 good street workers, which is truly our first line of defense here. When you've got
27 individuals that understand the different conditions and the circumstances in which the
28 least and the less are coming from, and having the ability with compassion to reach out
29 to serve them. I think we are in front of the curve here. I think we are in front of the
30 curve simply because of this hearing, today, that will allow for us to be able to bring the
31 different departments together. Allow for us to be able to tap each particular department
32 to be devise, create programs, that will be comprehensively as these men and women
33 rise up and see the need for them. The Alliance of Concerned Men are fortunate
34 enough to have been in existence for last 13 years. We started the old fashion way from
35 the trunk of our cars. But we started to understand the needs of our community. To this
36 day here we have negotiated seven peace treaties within the District of Columbia that
37 has sustained without any retaliation. We have been blessed to be able to understand
38 what the needs are. But we have not did it alone. We have been able to bring a
39 partnership of government, clergy, police, community, understanding that we must be in
40 our correctional facilities to help those brothers and sisters as they return back to the
41 communities. This is the benefit that brings us here in Montgomery County today. With
42 John Smith on the staff of Phil Andrews has worked overhaul to see if we couldn't be in
43 the correction facilities, to create a program that we have there called a bridging
44 program. Concerned fathers with the young population. Helping them during the times



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1 that their needs are. Giving them a sense of worth, letting them understand what their
2 relationship is to the community and themselves. We do not go for rehabilitation. We
3 went for transformation. Transformation of the spirit and the heart. And we have been
4 there, in Clarksburg, working in your correctional facilities. When we are creating
5 programs, that when these young men come home, that they will have something in
6 place, in regards to the family relationship, in regards to employment in regards to
7 public safety where they have the ability to be able to look into the communities and say
8 no more violence, from inside our correctional facilities. We must begin look at out-of-
9 the-box concepts that can work. But the only reason it has not worked is because we
10 have not explored the possibilities of it and this is the benefit that we are today. To be
11 able to look at what can happen versus what have not happened. And to be able to give
12 our community and our citizens an opportunity, to be able to live in a safer community.
13 These young men and the information that we have heard is extraordinary. It will give
14 you the opportunity to come forward with a good comprehensive approach to youth
15 violence. I testified the other day in front of the House, Tom Davis Committee on Gun
16 Violence. In the concept basically was pretty substantial in regards to why folks feel that
17 each individual should have a gun. The overall philosophy I think was, if that person had
18 a gun, they would be less reluctant to challenge somebody else with one. It sounds
19 logical but is it reasonable? Especially looking at a population of returning ex-offenders
20 that's coming back into the District of Columbia with no employment, no housing, neither
21 medical care and you're talking about a placing a gun in every house. Get a dog was my
22 solution. If it was only a nice dog. But I say that in the sense that as we begin to look at
23 concepts and explore possibilities, let us tap each one of the government agencies that
24 are already in place. And let these people agencies donate or allot a percentage of their
25 budget to this population and let us be in these communities reaching out. We're dealing
26 with a population that you asked, the brother said. You no longer can give them a flyer.
27 It's almost to the perspective that you no longer can just knock on the door and wait at
28 the door. When the door opens it becomes an obligation to go into the bedroom and pull
29 some of this population out. Because we're dealing with extreme challenges. But with
30 organizations that sit here at the table, properly channeling our resources and not to a
31 degree, I don't think that we need a lot of resources. I think it's just a matter of re-
32 channeling them, and making each department aware of what our newfound challenges
33 are. I thank you for this opportunity to be a part of this great initiative. And I pray in the
34 days to come that we look back at that time and say a job well done. Thank you.

35
36 Council President Perez,

37 Thank you. I think that we have one more speaker who we couldn't get at the table in
38 the first round here. Let me see if he's here, Mr. [VALERIO]? Who would be with the
39 Association of Neighbors. Nope.

40
41 SPEAKER,

42 I don't think he came.

43
44 Council President Perez,



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1 He didn't make it, okay. All right. Well, thank you all very much. You put out a lot of
2 different ideas in a very powerful way. And I think I was watching people listen, and,
3 people were listening very hard. I know there's going to be a number of questions. I just
4 wanted to pursue one area here. Because I was struck by a number of things that were
5 said, including what Ms. Kaplan said, if I recall, you had asked parents what would be
6 helpful to them. I'd like you to talk with you about what is the typical family situation?
7 When you have either children who are in gangs, youth are in gangs or strong potential
8 for that. What's the typical situation that you see fostering that?
9

10 Guest KAPLAN,

11 Well, I think the typical situation is probably not real different from Fairfax to Washington
12 to Montgomery to Prince George's. A lot of the parents, you know we're working heavily
13 with first and second-generation immigrant communities. It's a very hard working
14 community. And it's a community that often has to hold down, I mean, I imagine
15 whoever is cleaning these -- this room at night perhaps is from some of the communities
16 in the surrounding areas. These are office-cleaning jobs that go into the wee hours of
17 the morning. A lot of the students will leave school and -- as an aside I want to stress
18 we need to also, as we talk about government agencies, this collaboration has to
19 include our schools. So, many of the kids and families are single parent families. Often
20 they're -- and the young people can tell you from their own experiences, their
21 households where multiple people live together. They pull their resources to be able to
22 rent a house or afford a house. But, you know, because they're low paying wage jobs,
23 and the cost of living is so high in our region, and increasingly so, that parents are often
24 working late into the night, as the young people themselves are often working late into
25 the night. So, that adds the stress on their success in school, many of the parents, to
26 want get into the schools during the day and find out what's going on with their kids. But
27 often the school base staff aren't prepared to speak to them in Spanish or some other
28 language, I mean there's a large African community or Asian. So, I think that the living
29 wage employment for people, so that they can -- most of us work, you know, our center
30 is opened until 8:00 or 9:00 at night. But I think he said it, some of the centers close,
31 people go home and kids are often -- their parents just aren't home. So it's the low-
32 income house cleaning, babysitting, you know, hotel workers, I mean, these are the
33 parents of a lot of the kids and they came here with hopes and dreams for their kids.
34 They didn't come here hoping and dreaming that their kid would end up in a gang.
35 Dropping out of school and committing some violent offense. So, I think that's what the
36 parents were saying. They would love to be home at night with their kids. They would
37 love to be able to go into the school day and have people that can talk to them and
38 understand what is going on with their kids. They would love to get their kid's tutors or
39 whatever they need. But their lifestyle is such that they are dealing with the most basic
40 elements of survival.
41

42 Council President Perez,



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1 I think that's important point because I think, sometimes people focus a lot on
2 unemployment as the cause. But sometimes over employment when you have to work
3 two or three jobs.

4
5 Guest KAPLAN,

6 Under employment too. Some of these parents are quite capable in their homeland and
7 then they come here and they were not able to get comparable jobs in this country.

8
9 Council President Perez,

10 I mean over employment in the sense of people having to work two or three jobs in
11 order to make enough money to put food on the table and pay the rent. If someone is
12 making near the minimum wage and they have work 100 hours a week to afford a
13 typical two-bedroom apartment, where are they going to be? Well, they're not going to
14 be at home. So that is a driver in separating families. And, how long can people keep
15 that up? Before something goes wrong or something inevitably tears the family apart.

16
17 Guest KAPLAN,

18 One last quick thing and then the young people, some of these kids live very dual lives.
19 They go to school. They work and still, get involved in activities. Sometimes the parents
20 truly are somewhat unaware. Oftentimes they are aware, but they just feel, hopeless
21 and figuring out what to do.

22
23 Council President Perez,

24 Thank you all very much. And Mr. Parker, I know you have been on the frontline in
25 Washington, DC as well. And what you have done is remarkable in negotiating truces
26 between gangs that have helped. And that -- I don't know -- I don't know of anybody
27 else who's -- I'm sure that's been done see where else. But, I don't know about it being
28 that successful. So, that's great work. Thank you for what you're doing in Clarksburg.

29
30 Councilmember ANDREWS,

31 A number of lights are on.

32
33 SPEAKER,

34 Thank you so much to everyone on the panel. This is great discussion, and, I want to
35 thank the Chairman Andrews and the Council President and I know Rosa Garcia from
36 the Council President's staff put a lot of work into getting you all here to speak with us
37 as I know Joan [PLANELL] did and I think John Smith was also helpful. So my
38 questions are not so much to the members of the panel, I really listened with great
39 interest to everything that you all had to say. My questions are to individuals who aren't
40 here. But I know they are represented and those are Chief Manger and Director Colvin.
41 I know that, Tom and I both felt the same way when we got the briefing a few weeks
42 ago that we had asked for after we had already passed the budget appropriating funds
43 for a big new gang initiative and we got a discussion of the Gang Task Force with
44 agency heads and deputy agency heads talking to other deputy agency heads. And I



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1 know because Tom and I spoke about it at the time, and this excellent meeting, that
2 Rosa and others have worked so hard to put together is a response to that that we just
3 had the feeling that some people who we work very closely with were just not getting it.
4 That we were adopting a top-down approach to what is the most grassroots problem
5 that you can imagine. When I hear hugs offered as the suggestion to address the gang
6 problem, I think some of the folks, that we are trying to reach, as much as I really like
7 them, and I don't mean this in a disparaging way, are not going hug the Chief of Police. I
8 mean, he may go around in the neighborhoods and say give me a hug. But that's not
9 actually going to work. So it may not be the Chief of Police who is the best situated to
10 be administering that approach. I say that with a smile on my face and Chief Manger
11 knows how much I like him and how much I appreciate his good work. So, my question
12 now is, are why going adopt an approach from the executive branch that says that when
13 the County Council has a discussion like this with one, it's somehow happening on "the
14 other side of the street". That it is unrelated to the work that is actually going on and the
15 spending of the money that we appropriated on this gang initiative. Or, are we, by
16 having this excellent conversation, in fact, participating in the shaping of the gang
17 initiative? I don't know, I really don't know the answer to that. And I don't know who is
18 equipped to give me some answer to that. Is this some academic conversation that
19 we're having about, you know, about an excellent effort in northern Virginia and some
20 excellent plans for spending grant money that the County Council administered
21 completely separate from the gang initiative or are we, in fact, laying a blueprint for what
22 is going to be the county government, the unified county government, that is the
23 executive and the legislature together, in our approach to this issue? I don't know who's
24 equipped to answer that. The other thought I have from this conversation is this more
25 than anything that I can think of this year exemplifies where we are not getting it, with
26 respect to our approach to grants to non-profit. We have a non-profit grant making
27 mechanism which is way over somewhere and has very little to do with our -- the rest of
28 our budget process and the way that we approach problems and the way we tackle
29 problems. And yet the strong sense that I get, I know it was the Council President's
30 intent in putting this together is in fact, surprise, surprise. It's the non-profit sector that's
31 better equipped to deliver these services then -- it's best equipped to deliver these
32 services so we -- This points up to me more than ever as we look at next year's budget
33 the need to much more closely integrate grants to non-profits, like the ones that each of
34 you are working with into our broad policy goals as we had address the budget rather
35 than dealing with our policy goals in the budget first and then later at the end of the
36 process say, oh, yeah, by the way, we got all these community groups that can actually
37 attack these problems. So those are some thoughts. And I really would like an answer,
38 although I don't think I'm going to get one to my question about, does this conversation
39 contribute in any way to the shaping of the gang initiative or has that decision been
40 made by the high level task force? And this is really just a useful academic discussion
41 before the Council. Anyone that wants to answer that, raise your hand. I'm not sure
42 anyone on this panel is equipped. The question may be addressed to some people in
43 the audience. But feel free to comment if you want to.



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1 Guest DOCCA,

2 Well I can't answer that in exactly the way that you want it. But we haven't really talked
3 and about schools, as a former Principal we could do more in cooperation with the
4 police. And when you talk about hugging the Police Chief, we do have EFO Officers
5 who have been very successful in the schools. The kids do feel that they can relate and
6 talk with them. We need more of that; we need more adults working individually with
7 kids. And we've said this all along, we need more counselors who don't just do
8 paperwork but they really work with kids on confrontation and on dealing with their lives.
9 And until we decide that we're going to do that and do it cooperatively, we're going to
10 have the schools doing a little bit and the county doing a little bit but nothing really
11 comprehensive. The time between 3:00 and 6:00 in the evening is the time that the kids
12 get into the most trouble, in terms of alcohol and drugs and sex. And they do not have
13 programs for that. We also need -- we need more cooperation and more -- I don't know,
14 the parents need to be able to assist us in this. I mean we know they're working. But if
15 their kids get in trouble in school, we have no mechanism to say, your kids really should
16 be in this kind of a program, can you get them here on Saturdays? I can't tell you the
17 times I've had to go out on Saturdays to get kids who were supposed to come in for a
18 Saturday program. So we've got a lot of work to do in the community. But the schools
19 are key to it.

20
21 SPEAKER,

22 Judy, thank you. You reminded me of another point I wanted to make and that has to do
23 with after-school programs. In the consent calendar earlier today, as part of the OLOs
24 work program we've identified a review of the after-school programs countywide as one
25 of the things that we need to be working on and will be working on that in the next year.
26 As we look at next year's budget, that's also something that we have to integrate much
27 more closely into this big policy approach. That, I'm afraid has been a little
28 disconnected. And I thank you, Steve Silverman for working with me on that proposal to
29 OLO that we've included in OLOs work plan.

30
31 Guest DOCCA,

32 Do you mind if I comment again on the mentoring program that John Smith does. They
33 had one in my school, people did, the adults did come and work with my kids. They
34 were scared. They really were. They didn't want to work with junior high or middle
35 school kids. But when they got to know the kids, they found out how wonderful they
36 were to work with and they related very well to them. So we need to do a lot more of
37 that. And I think John's programs are really excellent.

38
39 Council President Perez,
40 Ms. Floreen.

41
42 Councilmember FLOREEN,

43 Thank you. Diego, I was really interested in your comment about programs that are
44 proposed without demonstrable amounts of success. I think that's a concern to all of us,



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1 and that was a concern to us during the budget program. I have a couple of questions.
2 Obviously we're not going to solve of the gang issues today. But one thing that we
3 talked about the last time we had a presentation on this, was, is there a role for the faith
4 community in assisting with this issue? So, I would like everybody's comments on that.
5

6 Guest PARKER,

7 Tyrone Parker. I serve as the Vice Chair of the collaborative called -- known as the
8 Clergy Police Community collaborative that basically work east of the river [INAUDIBLE]
9 Anacostia. The partnership and the contents of the clergy has been extraordinary. They
10 have the ability to be able to -- what everybody do everybody do they do well. There's a
11 component for religion, I think, in regards to youth intervention. There's a component in
12 regards to employment. There's a component in regards to the police. So, the clergy
13 across the board, I think they fit, there's an excellent fit for them. I think that they have
14 the ability to be able to give a spiritual guidance for individuals when they are in need of
15 it. And it's been beneficial for us.
16

17 Guest PACHECO,

18 I think it is of the essence. That we concentrate on building integrity within our young
19 people that means by integrity, I don't mean usually responsibility and all that. I mean
20 the unification of the young peoples respect for their bodies, their hearts, their minds
21 and their spirit. Now, we as a county, you know, a lot of counties, are operating under
22 the premise that if we give these kids a whole bunch of information, we teach them how
23 to do, how to build a desk, right? We'll build them, we teach them how to go out there
24 and make a five-year business plan, that that is going to be sufficient, right? But if we
25 don't concentrate on the spiritual aspect of young people, people just in general, then
26 you could fill this kid's head with information, yet the kid doesn't understand yet why
27 should I use this information? You know, we need to get to the young peoples hearts
28 and spirits and let them understand the whys. Why am I a valuable person? Why should
29 I love myself? Why should I respect myself? Why should I respect my brothers? Why
30 should I go back to my community when I have graduated and making thousands of
31 dollars, and go give somebody my hand? We need to concentrate on the why. Or else
32 we're making roads without people going in them. You know, we have to let young
33 people, what is the importance of education? And to do that, you know, we kind of
34 talked about making connections between the strengths that we have already. Let me
35 give you an example. If I want to find out why, in the school system, why young people
36 are dropping out of the school system, why they don't feel welcome. Why they don't feel
37 that sense of attachment, you know, for whatever reason. Am I going to ask the kids in
38 the I.D. Department? No. I'm going to ask the kids that dropped out. Sometimes we as
39 county agencies are very uncomfortable looking at our failures. But we need to look at
40 that. Gang membership you're not going to be asking the kids in the choir, hey, what
41 should we do about the gang problems? You need to ask the gangmembers. Because
42 they know. They were the ones that felt that isolation and the disconnect. So we as a
43 county need to -- I know it's going to be a little bit uncomfortable but we need to go ask
44 those kids and seek them out. Maybe Mr. Manger is not the right one to go out there



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1 and give hugs, but he could identify people in his department that have the willingness
2 and the heart to do that. But we sometimes make the mistakes, you know, a lot of the
3 things that we found out specifically with young people, in the police department, young
4 people want neighborhood police in their community to feel safe. To have that sense of
5 safety. But what happens? When we talk about the gang issue, there could be a
6 department with 14 neighborhood policemen's. Right? But once those counties start
7 concentrating on the gang issue they redirect seven of those staff to the gang units, and
8 those guys are making fat money, right? But what happen? We dilute the services and
9 the safety of the people who are already in those communities because now we need to
10 put more boots in the floor. Whether it is outreach workers or whether it's county police,
11 you know, community policing, whether it's teachers that go to neighborhood centers
12 and teach young people, whatever. We need to put those. But if we don't concentrate
13 on the connection and the development of integrity, through spirituality, through love,
14 through understanding, through intelligence, and through respect for my human right to
15 be alive, then we're making a big mistake. We need to foster that value system in our
16 young people. It is already there. We just need to be the catalyst of change and we
17 have that responsibility. It's not only because there's a problem out there. It is our duty
18 as human beings, to teach young people that the thing that connects everybody in this
19 room is our humanity and as humans, we need know how to respect ourselves and then
20 respect others. So, thank you.

21
22 Councilmember FLOREEN,
23 Thank you.

24
25 GUEST KAPLAN,
26 Just to briefly add, I think, there is a clear role and need for the faith-based community.
27 But I also I think at times there's a bit of a disconnect as well. I want to go back to a
28 word that I think Tyrone used but we all talked around it and it's the word transformation.
29 We're talking about instilling a -- changing a value that has somehow seeped into the
30 lives of these kids. On Sunday you can drive around and see the kids hanging outside
31 the church or the evangelical storefront, they're there. Their parents are inside. There's
32 connection to the faith-based community. But there's a disconnect on what's happening
33 with that connection and the transformation that needs to go on. And I have felt strongly
34 that you have to go youth by youth, family by family, neighborhood by neighborhood
35 and really identify the kids that need the work and envelop them with a multi sectorial
36 approach that includes the faith based community. Because that is in many ways
37 already a part of their lives. But it is not connecting to lead them to the changes they
38 need to make to get out of the -- the violence. The other thing that I know you have
39 probably heard about. And this is big step up on the part of the Archdiocese is the
40 building of the Mother Teresa Center on Merrimac Avenue, which is a faith based
41 initiative, that they brought us in because it's sort of an unprecedented partnership,
42 where faith based community says to a youth organization that has a half of its staff,
43 young people like these to work together, to do the pieces of work that need to be done.
44 So, I really appreciate and value that partnership. I also want to say though, that I think



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1 we need to work more inside our parishes and inside our churches inside our faith
2 based communities to identify the people to work with the kids and the parents to really
3 lead them towards that spirituality in the faith that you just heard described here
4 because it can be a journey. When you're so broken inside to transform to the kinds of
5 young people we want our kids to be.

6
7 Guest PACHECO,

8 One important thing, he just gave a wonderful illustration of about programs. Think
9 about a gang member; think about a gang member that has tattoos all over his body.
10 Right? And, you know, in a county that thinks that by having a million tattoo removal
11 programs they are solving the problem, right? Now as human beings, you could take
12 away all the filth I have outside my body but if you don't remove that fear and isolation
13 and anger and disconnect from my heart, it doesn't matter how many tattoos you
14 removed and you're not making long-term continual beautiful changes. So, at the same
15 time we're doing all this beautiful programs that teaching kids things and removing
16 tattoos, we as a county and the agencies that are doing different things need to be
17 collaborative, need to respect each other, and need to come together for a common
18 goal. And that's to save our young peoples lives. Take, kind of what you guys say,
19 redirection, reconnection of the things that we already have in place to make them
20 accessible and even an option for the people that are going through these issues.

21 Guest PACHECO,

22 I want to give you a little tiny story. Barrios Unidos in northern Virginia, last year was a
23 agency of ten staff. Was an agency that -- you guys have the package right? It was an
24 agency that gang members used to come together in a circle willingly; it was a non-core
25 mandated group. The way we got the young people to go here, to the group, is we used
26 to go out and search for them. And once they saw that bridge they used to come. One
27 of the things that, why the kids told me that they came, was because the first thing we
28 did -- Now we're not a religious group. We're a group that believes in spirituality. The
29 kids told me, you know the only reason I come to this group, man is because we all
30 leave our mess outside the door. And when we come together the first thing we do is
31 pray. Right? We use to have a group of 50 or 60 young people coming to a community
32 center because we built a community gym. Now, because in the past our counties were
33 not comfortable with us working with the real gang members. We came to one of our
34 gyms, almost seven, six years ago, and there was a sign on the door that said the
35 Barrios Unidos Teen Center has been closed for further notice. The thing that I found
36 out was there was a hesitation of the people in the community and county agency
37 saying that we were bringing gang members into the community. Those kids lived there.
38 Do you know what happened when the teen center closed down? They were out in the
39 street. So we need to respect each other, identify the strengths and weaknesses of
40 each other and compliment each other instead of, you know, these are my kids; you
41 guys are dealing with gang members that's not worth it. We need to respect each other
42 because we're all in the same common banner; saving the kids.

43
44 Guest PARKER,



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1 Let me just add a small statement, very brief. In your correctional facilities near
2 Clarksburg that's one of the basic things that we primarily do as soon as we go in there,
3 hug them brothers. We're working with about 15 to 20 of them. And you ought to see
4 how they're hugging each other inside the jail and then we begin with a meditation in
5 regard to the spiritual aspects of self to help to set the principal so that they have
6 something to hold and to share. So it's happening. Within your own facilities right now.
7 We've got to build on for these opportunities. And if we build off them we'll see the
8 investment once these folks come into our communities.

9
10 Councilmember FLOREEN,
11 Kevin do you have any thoughts on the role of the religious community in this?

12
13 Guest SANCHEZ,
14 Can you hear me? Okay, I think religion is a really big part of it. I think that increasing a
15 person's chances of knowing who they are and who they're going to be if they continue
16 to do the negative things they do is going to affect someone's life. I think that - you can
17 really change -- it changed my life on a personal level, you know what I'm saying? I
18 used to -- It just changed my life in a way that I'm blessed by God honestly. By just the
19 certain things that a person does religion wise so they can reach, you know, that high
20 point in their life. And I think we need a more collaborative effort. I think they've been
21 doing it -- where were we at? Virginia?

22
23 Guest PACHECO,
24 They've been doing it in Virginia.

25
26 Guest SANCHEZ,
27 It's called the United --

28
29 Guest PACHECO,
30 It's a faith-based community of different parishes coming together for the common
31 cause of gang preventions.

32
33 Guest SANCHEZ,
34 Right, so they've been doing that, they've been doing a lot of community meetings.
35 They've been doing a lot of, you know, right after church they have the people come into
36 these meetings and have these presentations and I think we need more of that that.
37 You know, because that's where the people go. You know, they can be gang members
38 but some of them still do go to church. That's what I think.

39
40 Guest URIBURU,
41 I do think there's a role but to me there is a bigger question than the role of the faith-
42 based community. I think there is a room for everyone who perceives this youth as
43 actually youth who have no other choices who came here with nothing who did not live
44 with their families for a decade or so and come here there's conflict and they find in the



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1 gangs a support system that helps them to continue to live. So the question that you
2 ask, I would ask to specific officers that are on the streets, the people in HHS the
3 community that makes the decisions. How do we perceive these youth, are they
4 criminals or are they victims of a society on a war that happened decades ago that has
5 brought them to Montgomery County with very little opportunities. I'm going to give you
6 a specific example. Last week there was a youth, a gang member, was approached by
7 a police officer and the police officer asked him to please remove his shirt because he
8 wanted to see his tattoo. So, he told me that it was a nice police officer because he
9 asked him please. Five minutes later another one comes, pushes him up to the wall,
10 and [INAUDIBLE] obliged him to lift his shirt because he wants to take a picture. And he
11 starts yelling at him. So what one police officer gained the other one erased and this kid
12 doesn't want to talk to another police officer again. So, again, I think to me there are
13 perceptions. How do we perceive these kids? Are they criminals or are they victims?
14 Are they youth, who have no other options because we, the county, we, the United
15 States or sometimes the home countries did not give them opportunities or are they
16 criminals? I think that is going to set the tone by which how people are going to treat
17 them. I think all of us treat them as kids who had no other options. To me that's the
18 important question. So anyone can work with them. There's room for everyone, it
19 depends on how these kids are viewed. Because they perceive how they're viewed and
20 they will work with those who they think understand them and they will not shut off to
21 those that they think they don't.

22
23 Guest PACHECO,

24 A thing that I learned a long time ago is the mentality and the perception and sometimes
25 we look at these kids as at risk kids we use that word and throw it out around all the
26 time. The way we should be looking at these kids is young people with untapped
27 potential, see? Because if you call me at risk and I'm a kid, I'm a risk what are you
28 talking about, man? So automatically they start seeing the negative mirror of
29 themselves but if you turn that around positively and you say you're a young person
30 with untapped potential let me show you the opportunities out there, let me take you.
31 Don't give them a flyer and expect them to go let me take it, let me wake you up. And
32 that change of schema, of mentality, of reeducation of our communities, of putting back
33 sensitivity into the fear that has been built through negative media. I have never met a
34 kid yet who has told me, hey Juan, I joined a gang because I want to go chop fingers
35 off. Or, hey Juan, I want to join a gang because I want to chop somebody's head off.
36 Never. They join because of the same reasons young people join the Boy Scouts
37 sometimes they don't see any other options. Because nobody's going to them and
38 saying there is a different way, there's a different road. We must provide that road. So,
39 change of schemas.

40
41 GUEST KAPLAN,

42 Could I quickly add one thing? Because I think it's important to think about. Those of us
43 who kind of work and are about young people, these aren't 9:00 to 5:00 jobs. And you
44 can have, as you think through you're county programming and how you want to



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1 collaborate and pool you're resources you can have the most beautiful facility in the
2 world and it can sit there empty. Because one thing about young people are, they're not
3 like little kids where somebody has take them and pick them up. These kids move
4 around and get there and they walk with their feet. If there's, if they walk in and if they
5 don't feel that they're welcome, that they're treated respectfully they're just not going to
6 come. So the kids that you want to do something for, so I think the staffing and the
7 commitment and the vision of how, you know, now the jargon calls it youth development
8 there is a name. Really all it's about is respecting and caring about young people and
9 appreciating them for the resiliency that they have and the flipping of gang member. I
10 mean, I don't think in any of our testimonies that you saw the word at risk. I mean, it's
11 just sort of not part of our jargon anymore but it's that these are the kids that are the
12 doctors, the teachers, the social workers, the probation officers. The other thing I
13 wanted to add is, beyond not being 9:00 to 5:00; it's not a quick fix. It's long-term
14 sustained commitment of work over time in communities with kids and what the kids
15 connect to are you the people. You can have a facility that looks awful but if there's
16 great people in there doing what needs to be done the kids are going to come. I think
17 that's important to think about as you think about your use of resources and that kind of
18 thing.

19
20 Guest SANCHEZ,

21 I agree highly with what she said. I think that when you go into the doing these
22 developing programs and having collaborations make sure they're going to stay there
23 for a long period of time. Don't create something and then two years later take it away
24 because then you'll see a humongous down -- yeah, downward spiral of the people in
25 that area. Never take away programs it may not be not failing but just going at a slow
26 pace. Over time it has potential programs do have potential. Never take programs that
27 have been on -- doing it for about a year or two. Leave those programs there because
28 over time it will help, over time they will have those connections, those collaborations
29 and it will get better.

30
31 Guest PARKER,

32 You know and just to a small part of what he is saying. Those organizations that had to
33 compare because it's never the program it's always the people that perform these
34 particular programs. But the programs that go into these particular communities let them
35 have the vision to empower the communities that they went into to the point that they
36 begin to build infrastructures within their own communities. Components that will be
37 able to replace when these other programs or the individuals might leave or come out.
38 Because the key, we feel, is that when you go into these communities to work with them
39 you don't go looking for ownership per se, you go looking for partnership and in
40 partnership you give them the ability to be able to build and to enhance the public safety
41 and community building. When we went into Benning Terrace, which are considered to
42 be the dangerous place in the District of Columbia. You had kids -- they called it Simple
43 City, you know, because of the mentality of how people are killing each other. If you
44 looked at Dan Rather numbers he states 57 people was killed. "Wall Street Journal"



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1 states 59, five-block radius, two-year period of time. We went into that particular
2 community with no comprehensive plan just the compassion to say enough is enough.
3 Long story short, is that when we got into that community, we began to support them in
4 regard to them changing their names. They went from Simple City to the concerned
5 brothers and sisters of Benning Terrace. The concerned mothers of Benning Terrace.
6 The concerned fathers of Benning Terrace. So we gave them identity with
7 empowerment so when we left they had a support system that was beginning to go
8 grow. So I'm saying this in essence, that when you make the investment make the
9 investment into organizations that have the compassion and the track record of being
10 able to go the long distance with the community.

11
12 Councilmember FLOREEN,

13 Well, these are tremendous collection of thoughts and ideas. We clearly have a lot of
14 work cut out for us. But I would hope that as we move forward on this that we make a
15 note to encourage the involvement of the faith communities in whatever gets resolved in
16 the variety of programs here. Clearly we're looking at systemic issues and structural
17 issues within communities that government can play a role in addressing but it's not the
18 only answer. So thank you all these are tremendous contributions.

19
20 Council President Perez,
21 Whoa, we're not done.

22
23 Councilmember FLOREEN,
24 You're not done.

25
26 Guest PARKER,
27 The other program would be a teacher, working with all the principals in the District of
28 Columbia and I was supposed to be there at 1:00.

29
30 Council President Perez,
31 Mr. Parker then, please go. Thank you though.

32
33 Guest PARKER,
34 Thank you so much for your time.

35
36 Council President Perez,
37 We appreciate your coming. We have three more lights still on and we're already over
38 but I want to see if we can wrap up perhaps in the next ten minutes. So I'll turn to Mr.
39 Denis, Mr. Knapp, Mr. Andrews.

40
41 Councilmember DENIS,
42 Thank you Mr. President. Mr. Parker before you leave. Mr. Parker. You can listen to this
43 as you walking out if you like. But this is actually the second time I have been familiar
44 with your testimony before a legislative body and I just want to advise the Council how



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1 effective Mr. Parker was in his testimony before Congress. You've testified at the
2 request of the Congressional Committee and it was on legislation dealing with the gun
3 ban in the city. And the -- there was an amendment before Congress to nullify the gun
4 ban and your testimony was so effective that committee members, including the
5 Chairman went to the floor and spoke in defense of the gun ban and by an
6 overwhelming vote, I think it was well over 100 votes the gun ban was retained and the
7 amendment was beaten back. So, I just want to thank you for that and now go off and
8 continue to do your good work.

9
10 Guest PARKER,

11 I also say if you hug a thug then you might not get mugged.

12
13 Councilmember DENIS,

14 Okay. But thank you Mr. President and I want to thank Mr. Andrews and John Smith
15 and any other members or staff person who helped to put together this wonderful panel.
16 I appreciated very much the use of the words. Religion, religious, spirituality. We've
17 tended to use the phrase faith-based, somewhere along the way that came to be a
18 phrase that people in government or people who work with government have fallen back
19 on for some reason. I never quite understood that because it's easier to say religion and
20 it's easier to understand what it means but the phrase faith-based is certainly an
21 accurate one in any 12-step program. Spirituality is an important part of it to recognize
22 that there's a higher power. And another step in any 12-step program is to give witness.
23 And to help others. So certainly you all have done that whether it's part of any kind of a
24 12-step program or not you're all to be commended and I think that the change of
25 clothes was very good way to make a point. And I thank you for that. It's very dramatic
26 and effective and very often when you wear different clothes not only do people view
27 you differently but you view yourself differently. And I think that that is a point maybe
28 that we can make through peers and others, with young people that we're dealing with.
29 But this is a fascinating and wonderful panel and I hope that we can follow it with some
30 action by the Council that will help us to put all of your experiences to good use here in
31 Montgomery County.

32
33 Council President Perez,
34 Mr. Knapp.

35
36 Councilmember KNAPP,

37 Thank you, Mr. President. I want to thank all of you for taking the time to share your
38 insights with us today. Mr. Leventhal eluded to this early on when we're talking about
39 kind of the broader policies and how do we take this very top down approach. And that's
40 good and I think we need to take a lot of what he you shared with us today to help
41 structure that but we're also facing as George said, a very grassroots oriented type of
42 activity. And we have to, we have two roles here, I think; One is, a policymakers from a
43 broader global perspective but then we also, each of us has the opportunity to work
44 within our specific communities. And I had the opportunity a week ago to sit in, one of



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1 my constituents' living room with thirty other folks some of whom were here today and
2 we had all the types of folks represented who need to be at the table. We had school,
3 faith-based organizations, we had committed neighborhood folks, we had police, we
4 had, everyone who's been articulated. And we had a lot of great ideas and a lot of good
5 conversation. The one group that wasn't there, which I think was -- and this was
6 recognized by everyone we didn't have the youth in the room and that was a problem.
7 But what I would ask you is and I would point this, Diego, you referenced this a little bit,
8 and Juan and Kevin you did in both of your testimonies. I've got a group in a community,
9 a neighborhood that wants to go do something. In fact, we're going to get back together
10 again in a couple of weeks and I think I've got everybody there except we've got to
11 reach out to the youth more than we did. What do you do? What's the next practical
12 step? I have thirty folks in a neighborhood that want to do something; they've got all the
13 right pieces. Where do I take them next? Where do I work with them to get to next? And
14 Diego I would like to get your perspective too because you talk about the notion of
15 outcomes we talked about a variety of the programs, a lot of which you referenced
16 today. Which program do you look to start from first? So both, to you guys as far as
17 what are the steps, if you've got the people brought together, where do you go to? And
18 then how do you identify what are the outcomes based on the scientific approach, I think
19 you referenced it, as to which ones work? And so, I kind of throw that out there. They're
20 ready, they're willing, they want to do something; what do you have them do?

21
22 Guest URIBURU,
23 I just want to clarify they want to do something about gangs?

24
25 Councilmember KNAPP,
26 About gangs or about using the community so that they address a lot of the issues that
27 you've already raised, so that's not necessarily, gangs aren't necessarily the problem
28 they have to resolve because they've already reached out to their youth in a positive
29 way. There is gang problems to some extent and they want to address that, but they
30 also recognize that the surroundings and the environment exists for that to increase and
31 they want to reach out to the youth in a positive way so that doesn't happen.

32
33 Guest URIBURU,
34 Okay. What I would do at least I would try to work with an organization that already has
35 a connection with the community and link both but then have specific plans as to what
36 exactly we're going to do. But I would first connect your group with a group that's
37 already working with the community and see what the community needs not what your
38 group wants and see if your group is willing to work towards meeting the needs of the
39 community.

40
41 Councilmember KNAPP,
42 It is a community.

43
44 Guest URIBURU,



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1 Is it members of the Latino community that you work with?

2
3 Councilmember KNAPP,

4 We've got members of the Latino community, we've got members of the African
5 American community, we've got churches. We got -- everybody's in the room that needs
6 to be there except we need to reach out to youths. What program do you -- Where do
7 you steer them next?

8
9 Guest URIBURU,

10 I would steer them towards reaching the youth to see what the youth need and then try
11 to come up with a plan. I actually don't think that an impulsive move would make a
12 difference. I would think that a planned move would make a difference. So I would reach
13 out to the youth and see what exactly are their needs and then I would try to measure
14 what your group can do. Not realistic expectation as to what you can do, and then move
15 forward. That's what I would do.

16
17 Councilmember KNAPP,

18 Juan, Kevin and Kevin in particular because you said this. You've got to work the
19 neighborhoods, you've got to get the neighborhoods meeting, you've got to impact the
20 neighborhoods.

21
22 Guest SANCHEZ,

23 That's wonderful what you have right now. The people are motivated, they want to make
24 change and you want to get to the youth. What you need to do is advertise, advertise,
25 advertise, meetings with the youth. Preferably most of them youth. Ask them what they
26 want, you know; ask them what are their needs, you know. Sometimes you can take it
27 as a group effort and you can also take it down to that one person because that one
28 person can make a humongous change in the whole group. If that one person a
29 humongous problem with drugs, you know what I'm saying? You can attack that person.
30 Figure out what are those needs. Not only Juan's, but the needs of those people, needs
31 of what the kids like. Ask him do you like sports? Involve them in sports. If you have the
32 connections within your community you can have the connections with the sports and
33 the kids. If they like religion, put them in some kind of program with the faith community.
34 If they're like to draw, if they're graffiti artists make a program where those kids can go
35 out -- not have to go out there and be prosecuted for tagging up a wall, but they can tag
36 up a board and then sell it and make money give these people empowerment. You
37 know, centers, give them the resources that they want and that they need. That's what I
38 would tell you is figure out, you know, with meetings and meetings and meetings not
39 with old people but with the youth.

40
41 Guest DOCCA,

42 I was part of that group and that's where I was. I said that the next thing we have to do
43 is get the kids together and I said I would contact the people to do that and just listen to
44 the kids, because that's what you said is a good thing to do. And we really need to know



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1 what their concerns are, plus there is a racial element to this. The African Americans
2 and the Latinos are having some concerns, we really need to get down to basics on that
3 and talk about it.

4
5 Guest KAPLAN,

6 Simultaneously while you're meeting with the youth I think it's important to define what
7 you mean by community. Define the boundaries of that and then map it out figure out
8 exactly what is in that community. What rec centers are there, what schools are there
9 what churches are there and do a community mapping process. And actually young
10 people are really good at community mapping. Give them a job they can map, you get it
11 all really well documented and then see where the gaps are. You know, in those
12 systems and then also form some kind of real concrete collaboration to once you have
13 heard when the kids are saying to then connect them up. To the resources that currently
14 exist. And I think if there is Black/Latino issue you have to attack it head on and get
15 people in there who can really deal with that.

16
17 Councilmember KNAPP,

18 Great that was my question. We're going to take and implement it, thank you.

19
20 Council President Perez,
21 Mr. Andrews.

22
23 Councilmember ANDREWS,

24 Thank you all for devoting your time this morning and sharing a lot of very, I thought
25 insightful comments about what we need to do. And I thank Kevin and William, you're
26 two great examples why young people should be involved in any outreach effort that is
27 targeting young people. Often it's usually the case that young people are not included in
28 outreach programs or task forces that are meant to address problems that effect young
29 people and you reminded us of that. But we need to keep making sure that we don't
30 forget that. There was some outreach done when the gang prevention when the Gang
31 Task Force did go out in the community and did solicit a lot of input but it was short in
32 having young people on the task force itself. So thanks for being here today. Thanks Mr.
33 Pacheco for reaching back and congratulations on your success and where you're
34 headed and thanks for being here today. And Diego, as Councilmember Knapp said,
35 and Councilmember Floreen, any science-based initiatives that you have is seen that
36 you think have proven they're worth. I know the Council would be interested in hearing
37 from -- seeing because we do want things that are measurable and accountable and we
38 want to make sure we're investing our money wisely because it is limited. The last point
39 that I would make is that a lot of the focus today was on finding ways to change hearts
40 change minds and that clearly reaches people. As a government we need to make sure
41 we don't have policies in place that undermine families. And the reason I asked the
42 question earlier is because the policy we have in place right now at the national level of
43 a totally inadequate minimum wage undermines families. It makes it harder for them to
44 be there. And the question to answer is when people say, where are the parents? Most



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1 of the time they're out working because they have to; they're not around because they
2 have to be working. And that undermines all these other efforts that we're making. So,
3 thank you all, and we will stay in touch with you this isn't a one time thing and keep up
4 you're great work.

5
6 Council President Perez,

7 A couple of final thoughts thank you Mr. Andrews for all your leadership on this. You've
8 been involved in this forever. John, where is John? John left. John Smith was there
9 somewhere in the audience. And John has done great work. Thank you to Rosa and to
10 Joan for putting this together. I'm very pleased that the Council made a substantial
11 down payment in the most recent budget cycle in addressing the issues that we have
12 discussed here today. I'm also equally pleased based on these two full Council sessions
13 that we didn't give all the money that we made a substantial down payment but we
14 asked the right questions. And I am absolutely convinced that we need to get answers
15 to some of these questions before we continue the additional investment. For instance I
16 really want to know in the months ahead that hopefully in September, you know what is
17 the plan? We heard from Diego that really there is in his judgment, there's no
18 intervention strategy here in Montgomery County. So I want to hear with specificity,
19 what is the intervention strategy? And I want to learn more about Ms. Floreen's
20 questions about why, what, how will we involve the faith community in this? Again, you
21 need only go up to Boston to see examples of initiatives that have been working very,
22 very successfully with the 12-point coalition and other community groups. When will we
23 be hiring folks like you all to do the work? They have done that in Boston, they've done
24 it in northern Virginia. I'd like to see how the plan will involve our young people because
25 my fundamental concern, you know, in every context of work that I have done on this
26 County Council has been that the communities that are most directly affected by the
27 work we do are simply not at the table on a frequent enough basis. And my concern is
28 Mr. Leventhal correctly pointed out was that in this area where community is just
29 absolutely vital we weren't doing it and while I have every confidence that people in
30 county government are very well meaning and very, very competent, I do think that we
31 need to a large extent to transform our organizational culture so that we can more
32 meaningfully engage communities in the decision making. Not only here in the gang
33 context but in other context. And what we have learned from you today, I learned a lot
34 about what we're doing and what we're not doing things that I didn't learn from our
35 previous briefing and that's why I think this was useful. And so a town hall meeting is a
36 great part of a strategy but if it's the whole strategy for community outreach it's not going
37 to be enough and we need to have a continuous engagement where our young people
38 and all our community stakeholders are equal players as we move forward. And I look
39 forward in September to hearing back from our friends and colleagues in the executive
40 branch about how they are going to take what we've learned here today and the
41 oversight that we have done because Mr. Leventhal asked some very -- he was putting
42 some important questions on the table and you weren't the audience for his questions it
43 was the executive branch. We do not intend this to be an exercise in parallel
44 conversations where we're talking about one thing and the executive branch is doing



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1 another thing. We intend for this to be a collaborative venture where we are all learning
2 from you and making sure that we have a plan in place that is comprehensive, holistic,
3 and inclusive. And unless and until we do that I don't think we will be fully successful
4 and my observation to date is that there are a lot of important pieces in place but there
5 are not enough important pieces in place for us to be able to say a year or two down the
6 road that we really are successful in this area. So we have taken a lot of time today and
7 we've taken a lot time in the previous session and frankly it's been time well spent
8 because it's really confirmed for me that we've got a lot of work ahead of us, and we've
9 got a lot of learning to do as a county and you have helped us do that learning today.
10 So, thank you to all of you for taking our time I put you in the category of young people
11 because if you're not a young -- Phil pointed at the two at the end and Juan, if you're not
12 also young then, you know, we're in trouble. So, thank you for all of your efforts and
13 thank you Judy and everybody for the work you have done. We look forward to hearing
14 back in September from the Executive. I would like to finish up before we break for
15 lunch. There's been a lot of people been waiting patiently for the District Council
16 session. Judgment Item number 6 is the resolution to designate Class I Legacy Open
17 Space properties. Let me turn to Mr. Silverman.

18
19 Councilmember SILVERMAN,

20 Thank you, Mr. President. PHED Committee recommendation is to support park and
21 planning's, excuse me. Support the planning board's recommendation that the two
22 properties in question be recommended for Class I designation. We did have a
23 discussion about the elephant in the room, which is we can designate a whole bunch of
24 properties as Class I if we want to but at the end of the day depending on the timing,
25 depending on the decision making process about these properties, there may or may
26 not be enough resources meaning dollar resources available. However that is not what
27 is before us, and park and planning agreed that if in the future the timing of
28 development and availability of funds would prevent them from protecting a significant
29 resource they should brief the Council or submit a supplemental appropriation request.
30 All by way of saying the Council has never been in the history of the Legacy Open
31 Space program, has never been presented with a fiscal issue. They have always
32 managed to work these things out either through outright purchase overtime or
33 dedication of portions of the property or cooperative agreements with other jurisdictions.
34 So, I'm confident we'll be able to move forward, in the meantime, the only decision
35 before us is whether to designate these two properties as Legacy Open Space Class I
36 properties and the committee supports the recommendations from the planning board.

37
38 Council President Perez,
39 Is this a voice vote?

40
41 Councilmember SILVERMAN,
42 Yeah.

43
44 Council President Perez,



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1 We don't need a roll call, okay. I see no lights, all those in favor. Unanimous. Okay.
2 Let's turn to agenda Item 7 last item before lunch, which is the a Request for Oral
3 Argument and/or consideration of Hearing Examiner's Report and Recommendation
4 Application G831 Where are our friends from --
5

6 SPEAKER,
7 Anywhere? Where's the Hearing Examiner?
8

9 Council President Perez,
10 Where is our Hearing Examiner?
11

12 SPEAKER,
13 They're on their way.
14

15 Council President Perez,
16 Oh, they are. Okay, great.
17

18 SPEAKER,
19 So we can talk about gangs for a few more minutes.
20

21 Council President Perez,
22 Yes can you come back up? Where is Carrier? Here we are. There's a sighting.
23

24 Hearing Examiner CARRIER,
25 You waiting on us?
26

27 Council President Perez,
28 Yes we are.
29

30 Hearing Examiner CARRIER,
31 I beg your pardon. Has the item been called?
32

33 Council President Perez,
34 The item has been called. The-- it's agenda Item number 7, Application G831 Musgrove
35 Road Joint Venture LLP. And there's a request for oral argument.
36

37 Hearing Examiner CARRIER,
38 If I may?
39

40 Council President Perez,
41 Yes. By the way, now we have this new closed captioning system so everybody who
42 speaks has to identify themselves first.
43

44 Hearing Examiner CARRIER,



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1 Oh, my name is Francoise Carrier, Montgomery County Hearing Examiner; I conducted
2 the hearing and prepared report and the recommendation in case G831. I would like to
3 rectify an error that Mr. Abrams pointed out in his request for oral argument. It's not
4 entirely accurate that I did not mention the People's Counsel support of this application.
5 I did mention it on page four of my report but I failed to do what I normally do which is to
6 provide a detailed description of exactly what the People's Counsel had to say. I think I
7 just overlooked it in the excitement of getting through this very complex case. If I may I
8 would like to summarize Mr. Klauber's opening and closing statements for you just
9 briefly to make sure that that's before you as you think about this application. In his
10 opening statement, Mr. Klauber noted the various elements of the purpose clause,
11 which is a little bit unusual because it refers not only to the area of the site but to the
12 adjoining neighborhood and he noted that the applicant would need to address also
13 whether the area was predominantly residential and of course compatibility. In his
14 closing statement Mr. Klauber referred first to page 32 of the master plan, which
15 described the communities that were identified within the Fairland planning area. The
16 subject property was not included in any of the defined communities and including the
17 residential neighborhood adjacent to the west and Mr. Klauber suggested that perhaps
18 the subject property is located in an existing corridor whose land use pattern is different
19 from the residential communities west of Old Columbia Pike. Mr. Klauber also noted that
20 the office building in question has existed for over 20 years and that it's impact appears
21 to have been minimal based on evidence in testimony. He stated it would be speculative
22 to predict what is going to happen in the future and how this expansion resounding
23 would affect that future. Mr. Klauber also referred to an exhibit, exhibit number 50 that
24 provided a percentage breakdown of the land uses in the surrounding area that were
25 defined by technical staff, which is the smallest of the surrounding area that anybody
26 considered and that shows that lightly less than 50% of the land in staff surrounding
27 area was in single family development. And finally Mr. Klauber made a public interest
28 argument that the use has been serving this growing area where the service is not
29 readily available and that as nearby residential and commercial uses have expanded so
30 has the demand for these services and he concluded that the application satisfies the
31 purpose clause and the compatibility requirement of the [INAUDIBLE] zone and that
32 expansion of this use would be in the public interest. So I apologize for not putting that
33 in my report more completely.

34
35 Council President Perez,
36 Thank you. Let me turn to Mr. Silverman.

37
38 Councilmember SILVERMAN,
39 Thank you, Mr. President. This is a little bit of an unusual case before us. And the only
40 reason it's here is because of something that we did, meaning the previous Council did
41 when it reviewed the special exceptions and residential zones. And what we did, I forgot
42 exactly which year it was, is that we amended the zoning ordinance to prohibit
43 expansion of medical clinics through what was otherwise the normal process, which
44 was a special exception process and basically said the only way that can happen now is



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1 through rezoning. In the past we would not have normally seen this one way or the
2 other. We had extensive discussion at the time, I think and my memory is a little fuzzy
3 about this. But we had extensive discussion at the time about whether medical clinics,
4 where they ought to be. And there was a case that sort of spawned some of this that we
5 had a discussion about. All by way of saying that this is not in my opinion, a garden
6 variety rezoning case. I'm extremely familiar with the property because it's just up the
7 street from where I live. And I am very interested in light of the questions that have been
8 raised about definitions of the surrounding area, plus the purpose clause issues and the
9 public interest to have oral argument on this. I'm not prejudging where I'm going to go
10 on this but I think in light of the fact that it involves a medical -- an expansion of a
11 existing medical clinic in an area which based on the map has -- that's on circle 41 and
12 then the zones, which are on circle 131, it has a variety of commercial, industrial and
13 residential land depending on where you draw the line but I'm only interested in hearing
14 oral argument to have the opportunity for I guess both sides. There is another side in
15 this, correct?

16
17 Hearing Examiner CARRIER,
18 There isn't really another side, well --

19
20 Councilmember SILVERMAN,
21 Sure there is. I see the other.

22
23 Hearing Examiner CARRIER,
24 He's not a lawyer so I'm not sure if he gets to participate in oral argument?

25
26 Councilmember SILVERMAN,
27 Of course he does.

28
29 Hearing Examiner CARRIER,
30 All right.

31
32 Councilmember SILVERMAN,
33 Well, I mean if we have oral argument, of course.

34
35 Hearing Examiner CARRIER,
36 No offense Mr. Rochester.

37
38 Council President Perez,
39 He plays one on TV. I've seen him.

40
41 Councilmember SILVERMAN,
42 Anyway, those are the reasons I'm interested in hearing oral argument limited to the
43 items that are in Mr. Abrams' memo, which is on circle 2, there's three items and I think
44 that's exactly what Mr. Rochester responded to in the items in his letter on circle 10 and



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11. I just would like to have more discussion about the public purpose of an expansion of a medical clinic on what amounts to a very highly intense area, meaning the Fairland White Oak area. We'll see if there is a second.

Council President Perez,
Council? Okay. So, request for oral arguments has been moved and seconded, all of those in favor? Okay. So I guess we move forward then. Ms. Floreen.

Councilmember FLOREEN,
Since that has not been granted, I read the packet and I'm persuaded by the recommendation of the Hearing Examiner so I move adoption of the resolution and opinion of denial.

Council President Perez,
Okay, no more lights. So, yes we call the role. Wait a minute; so a yes vote is -- a yes vote means you agree with the decisions of the Hearing Examiner, a no vote is you disagree. Okay, Mr. Denis.

Councilmember DENIS,
Yes.

Council President Perez,
Sorry. I apologize please call the role. I was looking at Mr. Denis when I should have been looking at you. It's lunchtime, I'm hungry.

Clerk DODSON,
Mr. Denis?

Councilmember DENIS,
Yes.

Clerk DODSON,
Ms. Floreen?

Councilmember FLOREEN,
Yes.

Clerk DODSON,
Mr. Subin?

Councilmember SUBIN,
Yes.

Clerk DODSON,



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1 Mr. Silverman?

2
3 Councilmember SILVERMAN,
4 Yes.

5
6 Clerk DODSON,
7 Mr. Knapp?

8
9 Councilmember KNAPP,
10 Yes.

11
12 Clerk DODSON,
13 Mr. Andrews?

14
15 Councilmember ANDREWS,
16 Yes.

17
18 Clerk DODSON,
19 Mr. Leventhal?

20
21 Councilmember LEVENTHAL,
22 Yes.

23
24 Clerk DODSON,
25 Mr. Perez?

26
27 Council President Perez,
28 Yes. Okay 8-0 so the Hearing Examiner's recommendation is adopted. Okay we went
29 over so we will reconvene at 2:00.

30
31
32
33
34
35 Council President Perez,
36 Okay, let's go to agenda Item Number 8. This is a Public Hearing on Zoning Text
37 Amendment 05-09, which would amend the zoning ordinance to allow wholesale trades
38 limited to sales or rental of products intended for industrial or commercial users as a
39 permitted use in the I-3 Zone under certain circumstances. Persons wishing to submit
40 additional materials for the Council's consideration should do so by COB on August 1st.
41 The PHED Committee work session is tentatively set for September 7th, although you
42 should call the Council office to confirm that date, 777-7900, area code 240. We have
43 one witness, Mr. Russ, good afternoon.
44



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1 Witness RUSS,

2 Good afternoon. Thank you, Mr. President. From the Montgomery County Planning
3 Board standpoint Zoning Ordinance Text Amendment Number 05-09 was heard at it's
4 regular meeting on July 14, 2005. The Planning Board recommends that the Text
5 Amendment be approved as submitted and included in the technical staff report. As part
6 of the draft, Shady Grove Sector Plan Amendments. The PHED Committee
7 recommended an approval to rezone the Roberts Oxygen Company property, which is
8 located within the Oak Mountain Industrial Park and adjacent to the town of Washington
9 Grove from the I-1 Zone to the I-3 Zone. The property is developed within an industrial
10 facility that manufactures oxygen tanks for medical uses. The current use is permitted in
11 the I-1 Zone but not in the I-3 Zone. The goal of the proposed Text Amendment is to
12 grandfather the existing use into the I-3 Zone and to create a conforming use. Pursuant
13 to the Text Amendment, this existing use could expand under the standards of the I-1
14 Zone except that the building height and setbacks must conform to the
15 recommendations of the applicable sector plan or master plan. For properties located
16 adjacent to the town of Washington Grove, the draft Shady Grove sector plan
17 recommends a minimum setback of 50 feet for establishing a landscape buffer and a
18 maximum building height for 42 feet. The Planning Board believes that it is appropriate
19 to adopt a Zoning Text Amendment to allow the existing use as a grandfather use in the
20 I-3 Zone. The board further believes that the purposed Text Amendment will insure that
21 any modifications to the existing Roberts Oxygen use will be consistent with the building
22 height and setback of any redevelopment of the property as a permitted use in the I-3
23 Zone. Thank you, Mr. President.

24
25 Council President Perez,

26 Thank you. There are no questions and I see the remainder of your three seconds.

27
28 YOUTH SPEAKER,

29 You can bank it for another hearing.

30
31 Council President Perez,

32 Correct. Let me see, do we -- Okay, that's a PHED Committee -- Okay, so let's look at
33 agenda Item Number 9, it's a Public Hearing on a special appropriation to the FY '06
34 Operating Budget of the Montgomery County Fire and Rescue Service for interim Fire
35 and Rescue Service in Clarksburg in the amount of \$4,510,670. Action is scheduled
36 following the hearing. Before beginning your testimony, I think we have one witness,
37 Virginia Dantona come on up. And we also, for the record, should be noted that we do
38 have representatives of the Fire and Rescue Service and County Executive's Office
39 here, and I should have acknowledged that the outset, my friend Jean Cryor who is a
40 ubiquitous presence at the County Council. Not sure whether to thank you or offer my
41 condolences. But it's always great to see you. Is this somebody you that you should
42 introduce, Delegate Cryor?

43
44 Delegate CRYOR,



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1 [INAUDIBLE]

2
3 Council President Perez,
4 Wow, how old are you, buddy? How old are you?

5
6 YOUTH SPEAKER,
7 Ten.

8
9 Council President Perez,
10 Ten. Wow, all right. Congratulations.

11
12 SPEAKER,
13 Where are you in school?

14
15 YOUTH SPEAKER,
16 [INAUDIBLE]

17
18 SPEAKER,
19 Great.

20
21 Council President Perez,
22 All right.

23
24 SPEAKER,
25 Plays baseball.

26
27 Council President Perez,
28 Well you have a very sharp grandmother. You know that already though. Just to state
29 the obvious. Please begin.

30
31 Witness [D'ANTONA],
32 [INAUDIBLE]

33
34 Council President Perez,
35 Please state your name and age for the record and you may begin.

36
37 Witness Dantona,
38 My name is Virginia [D'ANTONA], 24501 Burnt Hill Road, Clarksburg, Maryland. There's
39 no question that the rapid population growth of our area necessitates immediate
40 additional fire safety coverage. I realize that this hearing regards financing a temporary
41 station, this I found out after I came. I thought we were discussing location. Regarding
42 the decision as to where to locate a temporary station there would be obvious
43 advantages to all concerned if the temporary station can be sited where a permanent
44 one will eventually be. I suggest that an appropriate site would be on the present Route



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1 121between Route 355 and Route 270. This section of Route 121, which is Clarksburg
2 Road presently, has only one home and one business located on it. It would provide
3 access to all of Clarksburg presently and for future developments, for example, along
4 the future highway connecting Route 27 and 355, as well as for the correctional facility
5 located just across Route 270. A distance advantage would be that it would be just far
6 enough away from housing to minimize any complaints about loud sirens. I hope that
7 whatever your decision is to location, that the establishment of this essential safety net
8 for our community is immediate. Thank you for your attention on this important matter.
9

10 Council President Perez,
11 Thank you, thank you for coming down today. Appreciate it.
12

13 Witness Dantona,
14 You're welcome.
15

16 Councilmember KNAPP,
17 If I might I just wanted to -- Mr. President, there are -- I just distributed three other
18 copies of testimony of people who could not be with us today but want to express
19 interest and their support for our supplement.
20

21 Council President Perez,
22 And they're calling in.
23

24 Councilmember KNAPP,
25 People are so interested. Some of the representatives of the community are here; I just
26 want to thank them for coming down. But I just wanted to at least make sure that people
27 were aware that it wasn't through lack of interest, just people are working for a living
28 that's why they sent their testimony in.
29

30 Councilmember SILVERMAN,
31 Except for Amy, this is her living. That's becoming that I'm afraid.
32

33 Councilmember KNAPP,
34 I just wanted to thank the Public Safety Committee for their efforts as we reviewed this
35 because I know this meant a significant issue. And we have worked with the County
36 Executive to try and come up with a way that does this in the most appropriate way
37 possible and I think we have struck not the best situation, Because if we'd done that I
38 think it is just been testified to, we would have been to ideally site something, site an
39 interim or a temporary facility at the same place. This will likely, what we're proposing
40 today, will require us to take two different actions. One of which through the approval of
41 this special appropriation will allow fire and rescue services to provide capabilities that
42 will be placed at the correctional facility and in a very temporary situation. I thank the
43 Department of Corrections for their willingness to work with MCFRS to make sure that
44 could happen. And then ideally, I know that MCFRS has been having conversations



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1 with park and planning to look at the opportunity of creating a more less temporary more
2 interim situation at the maintenance facility at Little Bennett Park, which hopefully that
3 can happen soon. We have yet to see cost estimates on that but as I understand we
4 should see something in the not so distant future so we have an understanding of what
5 that will look like. It's important I think for people to recognize that the need that the
6 community's confronting, as I indicated in the Public Safety Committee a week or so
7 ago. We've already seen two incidents over the course of the last three weeks within the
8 community, one of which was a carbon monoxide poisoning in which a family of four
9 was impacted. And the response time in that situation was 14 minutes, which is --
10 typically we're looking in the six to eight minute range. Six to eight, eight being even the
11 outside window. Another situation was a gas main that had burst, fortunately there was
12 no situation that occurred there other than the fact that people had to be evacuated but
13 it obviously could have been worse. We are seeing more and more situations as this
14 community continues to grow that I think -- identify increased measures of risk that
15 require us to act sooner rather than later. And I think that the proposal that fire and
16 rescue services have put together will allow us to do that. Well again, perhaps not the
17 ideal situation as a situation that will bring to the community service as quickly as
18 possible. And I appreciate the community's support, that of the County Executives
19 Office, Delegate Cryor for her efforts. But MCFRS, I know has been working within the
20 community on almost a daily basis. Chief Lohr has been there a lot and I appreciate all
21 of their efforts to try and make sure that in spite of the fact that we haven't necessarily
22 had the actual apparatus on the ground, that certainly fire and rescue service has been
23 visible and present to insure that all of the pieces are there when necessary. What we
24 will likely see is once we get the additional costs for the interim facility at Little Bennett
25 we'll probably have to come back and do one more of these just to try to and flush that
26 out. The costs that we have covered with this special appropriation are the operational
27 costs. So, it's the people costs, it's what it takes to get the apparatus there and what it
28 takes to get that apparatus running. Let's see, what else do we have in it? There was,
29 Mr. Silverman, to your issue the other day as far as it came to bonding, we couldn't
30 bond fund anything but did identify last week was that the 600,000 that had been
31 identified for apparatus wasn't required at this time because we'll do a lease purchase,
32 is that correct? A lease purchase of the actual apparatus so that pulled that 600,000
33 out, which as I understand -- I think, Linda we then put that money back in the general
34 reserve.

35
36 Linda McMillan,

37 What you can do if you wish, the first appropriation can be reduced from 4.5 million to
38 3.9 million. Because the 600,000 in apparatus will be lease purchase, so it doesn't
39 change any of your plans or the intent of what you're doing. And then if you wanted you
40 could fund the second appropriation with the 600,000 of fire tax fund and the remainder
41 with the general fund reserves which would then allow you to have -- to not use 600,000
42 of general fund reserves at this time, which is your most flexible dollars. So, it's your
43 choice as to whether to do that. The total amount of the second appropriation does not
44 change just the source of funding.



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1
2 Councilmember KNAPP,
3 I recommend that we do as suggested by Linda.

4
5 Council President Perez,
6 [INAUDIBLE]

7
8 Councilmember KNAPP,
9 Okay. So with that I would urge the Council's adoption of special appropriation agenda
10 Item Number 19.

11
12 Council President Perez,
13 9?

14
15 Linda McMillan,
16 9. And 10, 9 and 10. I think you have to have a hearing on 10.

17
18 Council President Perez,
19 We're going to do the hearing on 10. But let me bring up Chief Carr to see if there is
20 anything I wanted to add. The answer could be as simple as no. Has all been said? Or -
21 -

22 Chief CARR,
23 No.

24
25 Council President Perez,
26 Less is more. Okay. All those in favor. Unanimous among those present. Let's move to
27 agenda Item Number 10. It's a Public Hearing on a special appropriation to the FY '06
28 Operating Budget of the Montgomery County Fire and Rescue Service for the fire and
29 rescue service apparatus management plan in the amount of \$2,698,620. Action is
30 scheduled following the hearing. There are no speakers for this hearing and Mr. Knapp.

31
32 Councilmember KNAPP,
33 I'll be very quick. As I think all my colleagues are aware we received from OLO a little
34 over a year ago a report on the status of maintenance and apparatus for the
35 Montgomery County Fire and Rescue. We as a Council, thank you all for your efforts,
36 have worked to address some of those outstanding issues. This special appropriation is
37 a number that's been arrived at through a lot of discussion with MCFRS in particular
38 with Chief Lohr's leadership. This represents what an expenditure roughly that will be
39 utilized over probably the next three to six months. We as a Public Safety Committee
40 have been having updates from MCFRS on the apparatus every four to six weeks to
41 see how the expenditures are going, how the implementation of the overall apparatus
42 plan has been put in place. And what we will do with this is see how the expenditures
43 are proceeding, how the progress is going. It is roughly a quarter of what the full amount
44 that MCFRS had put forward which is roughly 8.2 million, 8 million. Chief Lohr in



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1 response to the Public Safety Committee had proposed, had come back with kind of a
2 bare minimum approach of roughly 4.4 million for FY '06. This recommendation today of
3 the 2.69 million is reflective of the lower approach of the 4.4 million. We are going to
4 continue to monitor the situation. See what the current county revenue situation looks
5 like over the course of the year to determine whether or not we can go up to address
6 the full 8 million over the course of this year, or if we have to go to stay at the lower
7 number, the 4.4 million that's been requested by Chief Lohr. And we'll continue to
8 monitor that situation. I'm pleased to say though that through the efforts and leadership
9 of Chief Lohr and Chief Carr and our volunteer organizations as well, that we have
10 made significant progress on the improvement of the fire and rescue maintenance and
11 apparatus. And what I would propose at some point over the course of the next six
12 months is to have even Chief Carr come back and provide the full Council with an
13 update just so people have an understanding how this critical issue continues to be
14 addressed.

15
16 Council President Perez,

17 Very well. This is agenda Item Number 10. And all those in favor. Unanimous among
18 those present. I'll simply note something that I said during the budget cycle, in full
19 council, but the most glaring omission in my judgment in the budget that was submitted
20 back in -- on March 15th was the fire and rescue issues that we have just addressed. In
21 particular in Clarksburg and no corner of the county should have to worry about these
22 issues. And it was fairly clear to me that the logic behind the omission of these critical
23 items that are on the have to do list, which is why we did them today was to place
24 pressure on the Council to pass the ambulance fee. And I've listened to my
25 constituents, I know my colleagues have done the same and I at least, until the first
26 Monday in December, I have no intention of bringing that Bill before the full Council.
27 What happens after the first Monday in December I have a little less control over but I
28 have not -- I asked a lot of questions and I got very few answers and so did the
29 community. And as far as I'm concerned the ambulance fee is off the table and I don't
30 think it's in the public interest and that's why we haven't brought it up and that's why
31 we're doing what we're doing today. Because these are absolutely have to do items for
32 the community in Clarksburg. And if the County Executive is interested in pursuing that I
33 would encourage him to get the campaign going and provide us with that information
34 that frankly they didn't make the case. And if they have additional information that they
35 feel helps make the case, well, I'm all ears as I was during the budget process. But I
36 certainly didn't hear the information that made the case that that was in the public
37 interest and we cannot afford to wait any longer to do what needs to be done up in
38 Clarksburg or in any corner of the county because the fire rescue are at the core of what
39 we do as a county government in providing basic services to our residents and I
40 appreciate Mr. Knapp and the entire committees leadership in bringing this back before
41 the Council. We said during the budget process that we would bring it back as soon as
42 possible and we delivered on that promise to the community so I'm very pleased today
43 support this today. But I periodically get asked questions about what's the status of the



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1 ambulance fee and I thought I would clear that up at least for now between now and the
2 first Monday or so in December. Mr. Subin has light on an unrelated matter I think --

3
4 Councilmember SUBIN,

5 Thank you, Mr. President. In a sense it is a related matter it is a public safety matter.
6 There was a lot of discussion when it was announced that the sniper suspect to be tried
7 in Montgomery County in terms of what the budget implications would be. Part of the
8 estimates on the numbers for the budget were predicated on the need for additional
9 magnetometers to search folks as they came in the courthouses and other buildings.
10 And I just wanted to let the public know that Sheriff Kight through the great efforts of
11 Joanne Ricchuiti, his budget specialist, have in fact come up with I believe it is four
12 magnetometers from a source for nothing. And so, the Sheriff has saved us at least
13 \$500,000 and it was through his efforts and the efforts of Joanne Ricchuiti and I think
14 we ought to publicly thank the Sheriff for doing that.

15
16 Council President Perez,

17 Thank you for bringing that up I got briefed from the Sheriff last week and I was very
18 pleased. Another sign of his remarkable leadership as our Sheriff. We're lucky to have
19 him as you well know. Okay so we have moved through the agenda let's move back to
20 the Legislative Session. We're still on day 22 and will continue to be on day 22 for a
21 while longer. Thank you to the members of the fire and rescue service for coming here
22 today. There was another Bill that Mr. Subin et al wants to introduce, so let me turn it
23 over to you Mr. Subin.

24
25 Councilmember SUBIN,

26 Thank you, Mr. President. It is no secret that there are issues in Clarksburg regarding
27 not simply a construction but regulatory process and what has happened there. I'm
28 introducing along with Councilmembers Knapp and Floreen Expedited Bill 22-05, which
29 would place a moratorium on construction throughout the county until November the
30 1st, unless the Chair of the Planning Commission and the Chief of Department of
31 Licenses are able to both signoff and insure that a site plan has conformed to all of the
32 restrictions that it was supposed to when it first came out of Park and Planning. I know
33 that there will be additional amendments to this, there are some concerns about one of
34 the provisions in here and I think legitimate concern about unexpected consequences,
35 which is always something that we need to look at. But it is my understanding that we'll
36 have some of those answers that the Council President is looking for within a week and
37 there has been some discussion too I believe about going from site plan to buildings.
38 And that is something that we'll certainly have a chance to look at over the next week.
39 This is not an attempt to fix the blame. In the immortal words of one of my former
40 bosses, Admiral Jim Carrey, don't go fixing the blame, fix the problem. We do have OLO
41 looking at the issue to see what needs to be done to fix the process if it is broken to
42 tighten up the process if it is loose. And we'll know that answer in about three months,
43 and even at that point it will take more time to get whatever budgetary and legislative
44 issues that we need to on board. This Bill is an interim measure to cover from whenever



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1 it is implemented until the time we can implement the fixes that is OLO comes out with.
2 But hopefully it will insure that between now and then we don't get a repeat of any of the
3 issues that we have seen in Clarksburg and have those issues visited upon other areas
4 of the county. I don't know, Mr. President, if we need to waive the rules to both have this
5 introduced and have the public hearing and action taken next week. But my request is
6 that we have this done as expeditiously as possible and put into effect as expeditiously
7 soon as possible.

8
9 Council President Perez,
10 Mr. Faden, on the issues that Mr. Subin has raised regarding process, what is the
11 process?

12
13 Council Attorney FADEN,
14 There is no waiver needed as long as the Council schedules the hearing, which you can
15 do through the President's direction. We can advertise it. This is expedited Bill so we
16 can advertise it immediately and go to hearing next week if that's the Council's wish.

17
18 Council President Perez,
19 Well given that next week is our last week before we break for the summer it would
20 either be next week or the middle of September. So we would have to schedule
21 probably for the morning and I would want Mr. Berlage and Mr. Hubbard among others
22 to be present and available to answer questions that might come up.

23
24 Councilmember SUBIN,
25 Mr. President, it is been pointed out to me by Ms. Floreen that the issue of site plans as
26 opposed to building permits has already been changed in here. I guess it was a last
27 minute change. And so that's here.

28
29 Councilmember SILVERMAN,
30 It would be really nice when a Bill is introduced if the members of the body have a copy
31 of it.

32
33 Councilmember SUBIN,
34 I apologize, Mr. Silverman, you all had bootleg copies but I thought you were given a
35 final copy.

36
37 Councilmember SILVERMAN,
38 I haven't seen anything.

39
40 Councilmember SUBIN,
41 It's sitting right in front of you, Steve.

42
43 Councilmember SILVERMAN,
44 Well, I don't know if this is the latest copy.



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1
2 Council Attorney FADEN,
3 Draft four is the final. I apologize for not getting it around.

4
5 Council President Perez,
6 How do we know? It says draft four.

7
8 Council Attorney FADEN,
9 Draft four. Draft four is the latest copy, the one we believe is ready to be introduced.

10
11 Council President Perez,
12 I'm looking at something that says revised 7/18, draft number four I'm looking. I'm
13 looking at the right one.

14
15 Council Attorney FADEN,
16 Yes.

17
18 Council President Perez,
19 Okay. So we will --

20
21 Councilmember SUBIN,
22 On line 5.

23
24 Council President Perez,
25 Okay.

26
27 Councilmember SUBIN,
28 What that will do Mr. President is insure that not just the site plan is approved jointly by
29 the Chair of the Planning Commission and the Director of Permitting Services but that
30 each individual building permit before it is issued will be certified by both. That is a lot
31 tighter.

32
33 Council President Perez,
34 Okay. Mr. Silverman.

35
36 Councilmember SILVERMAN,
37 I just had a couple of questions. The first is; in section A-2 of the Bill lines eight through
38 13, so if there is enacted DPS has too issue a stop work order for any building that is --
39 where a building permit has been issued for construction, if construction of that building
40 has not actually started. I'd ask either Mr. Faden or the sponsors of Bill to explain what
41 not actually started means.

42
43 Councilmember SUBIN,
44 Well, that it is the intent of the drafter that ground has not been broken, now,



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1
2 Councilmember FLOREEN,
3 The footing.

4
5 Councilmember SUBIN,
6 Well, it is this says and it certainly can be amended next week, but it was my intent
7 where it says work not started, that nothing has been done that was the breaking of
8 ground. It doesn't say not vested which would be, traditionally when the footings are put
9 in.

10
11 Councilmember SILVERMAN,
12 Could we get a -- Well --

13
14 Councilmember SUBIN,
15 If you would like to change that to vested that's --

16
17 Councilmember SILVERMAN,
18 I'm not sure what I would like to do I would like to do one way or the other, I would just
19 like to know what the intent was, because, for example, you have huge developments
20 that have already been approved where grading has already taken place and where an
21 individual building might have had footers put in. By the way, I'm not talking about
22 Clarksburg. I mean, we've got subdivisions being built all over the county and to put
23 folks on notice for a public hearing, it would probably be helpful to know whether the
24 intent was literally the building or what happens when somebody has gone through
25 grading an entire site and they've got they're permits they just haven't gotten to a place
26 of putting footers in the ground because maybe it's scheduled for, you know, the 1st of
27 August.

28
29 Councilmember SUBIN,
30 That is a very legitimate question. My intent was ground broken. Not simply grading.
31 Because a site is graded doesn't necessarily mean that work on that individual building
32 has started. But if certainly with between now and next Tuesday, if somebody wants to
33 put in an amendment that says grading or footings or traditional vesting, that as you
34 have asked would be a legitimate discussion. My concern with that and why I'm saying
35 ground broken for that building is clearly in Clarksburg one of the issues when the
36 ground was broken the setback requirements were being violated. And so, before that
37 happens I would want the chair and the director to be certified. That's my intent, but I
38 understand this is a legislative process, Steve, so --

39
40 Councilmember SILVERMAN,
41 I just want to know and I assume we'll hear from folks what the right terminology is.

42
43 Councilmember SUBIN,
44 I assume we'll hear within the hour.



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1
2 Councilmember SILVERMAN,

3 The second question that I have is to understand how this will work under B-2. Is it the
4 intent -- if I go in to get a building permit and it is approved by DPS and in this case
5 presumably they have approved it after the Chair of the County Planning Board has
6 signed off on something. I'm just trying to understand how this is procedure is really
7 going to work. Are we then going to get a series of reports? I mean it says report are we
8 going to get a daily report of every building permit that is signed off on by the Chair of
9 the Planning Board an the Director of DPS and then 15 days after that, the builder will
10 presumably be able to go then go start their building, is that the way this will work?

11
12 Council Attorney FADEN,

13 You could have frequent reports depending on how the two agencies administered this.
14 Yes.

15
16 Councilmember SILVERMAN,

17 Okay, and so, how does this differ, how does B-2 differ in any way from what the current
18 requirements are for DPS to get the nod so to speak from park and planning before the
19 they issue a permit?

20
21 Council Attorney FADEN,

22 As we understand it, DPS is supposed to get a signoff from the planning staff that all
23 applicable site plan and other requirements have been met for the building for which the
24 permit is requested.

25
26 Councilmember SILVERMAN,

27 So how does this substantively change what they're currently required to do?

28
29 Council Attorney FADEN,

30 I'm not sure that it does.

31
32 Councilmember SUBIN,

33 This says that is Chair of the County Planning Board not the staff is going to signoff on
34 that so this holds the Chair personally responsible for the signoff. That it doesn't simply
35 go staff to staff.

36
37 Councilmember SILVERMAN,

38 Okay, procedurally staff of the Planning Board will review this and then they'll ask Derick
39 Berlage to sign a piece of paper.

40
41 Councilmember SUBIN,

42 And presumably under the circumstances the Chair is going to be as vigilant as possible
43 in insuring that the site plans are being complied with.



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1 Councilmember SILVERMAN,

2 Okay I just want to understand whether this substantively changes the, I guess the
3 process by which permits are issued. And what I'm hearing is that the change is -- that
4 you won't in effect be able to get a permit until Derick Berlage and Robert Hubbard
5 signoff on a paper and that piece of paper gets transmitted to us. And then there is a
6 15-day wait.

7
8 Councilmember SUBIN,
9 That's correct.

10
11 Councilmember SILVERMAN,

12 Okay. Okay, I'm sure we'll hear from some other folks at some point I just want to get an
13 understanding of what the intent of the legislation is, thank you.

14
15 Council President Perez,
16 Ms. Floreen.

17
18 Councilmember FLOREEN,

19 Thank you, Mr. President. I wanted to commend Mr. Subin for pushing this forward.
20 Because I think we've all been on getting most of our information about Clarksburg
21 frankly from the newspapers. Most of us knew nothing about what was going on with
22 respect to building heights and setbacks. We sent neighborhood folks to talk to the staff
23 and apparently that was not sufficient to provide assurances as to compliance with rules
24 that we believed were being enforced. The point of this is to verify and insure that there
25 is genuine accountability for the enforcement process here. We spend a lot of time here
26 worrying about process. We engage people and we bring people to the table. We
27 establish new rules. And I for one had always believed that the details were being
28 examined properly in the right environment. That had been my expectation when I was
29 on the Planning Board. That had been my expectation when I was representing parties
30 inland use in private practice before I joined this Council. And I believe that we are all
31 collectively shocked to a certain degree to discover that there have been some
32 discrepancies, some lack of clarity, some big mistakes that appear to have been made.
33 If everything is if going as we've been told this really should pose no difficulty for
34 anybody. But the fact of matter is that the Planning Board is subject to our review, they
35 are accountable to us, and the only way to insure genuine accountability here is to have
36 the chair at this point in time certify and be comfortable in certifying that building permits
37 are being issued in compliance with the rules and processes that are in place. We've
38 looked at additional legislation that might clarify that. We have followed with interest
39 what is happening down in park and planning and frankly, this is designed to be
40 forward-looking. It's not intended to point fingers at this point. That's the point of the
41 other investigations, perhaps it will be legislative changes that this will require ultimately,
42 but the point of this initiative is to provide absolute clarity as to the planning process and
43 the approval process and insure that our rules and regulations that this Council have



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1 established are being followed properly. It shouldn't be the least bit of difficulty there.
2 But otherwise we're going to just say no.

3
4 Council President Perez,
5 Mr. Knapp.

6
7 Councilmember KNAPP,
8 Thank you, Mr. President. I want to thank Mr. Subin for his efforts in this and Ms.
9 Floreen for her co-sponsorship. We are clearly operating in a time of increased
10 awareness. There hasn't been a place I've gone, I think probably any of us have in the
11 last couple weeks where this hasn't been the issue of discussion. I think as a result of
12 that business as usual can't be the order of the day. I guess the words I would use to
13 kind of describe where we are is one of both cautiousness and credibility. We have a
14 time where we need to be proceeding with a fair amount of caution to insure to the
15 residents of our community that the process we have for development in this community
16 is a credible one. And what is my hope is that through this legislation, through the efforts
17 that the Council President's identified through the OLO report through the efforts
18 articulated by the Planning Board Chairs, the Permitting Services Director, and the
19 County Executive that we can begin to reestablish that measure of credibility. But I think
20 we're going to have to proceed cautiously during that intervening period to insure that
21 for people. And it is my hope as Ms. Floreen just indicated that if everything is going as
22 it should that this doesn't necessarily pose an undue burden. But if it forces everybody
23 to ask questions that clearly haven't been being asked for whatever reason, then it
24 takes a little bit longer to make sure that those questions are being answered
25 appropriately so much the better. And I think that's the price we're going to have to pay
26 for the short-term to insure that the residents of our county are assured that we have a
27 very credible planning and review process. And so I hope this legislation will get us to
28 that point. To Mr. Subin's point and Mr. Silverman's questions, I think there are probably
29 some pieces here that will be refined further and I welcome people's input and I hope
30 that through that process over the course of the next week we can have a good piece of
31 legislation and ultimately pass this.

32
33 Councilmember SUBIN,
34 Mr. President, if I may given some of the issues that Mr. Knapp and Ms. Floreen have
35 brought up. It seems to me that for those who are in compliance with the plans that
36 have been approved that the worse case is a 15-day delay that's it. That's it. That's the
37 unintended consequences somebody is going to have to wait another two weeks for the
38 home to be completed. The fact of the matter is that the integrity of the planning process
39 has been violated. Now whether it was done intentionally. Whether it was done
40 accidentally. Whether it was done because workloads were too heavy and there weren't
41 enough people, I understand that the Council President is working on addressing that
42 issue. At this point it is irrelevant. You know we need an interim measure until OLO
43 comes out and says, here are the issues, here's what fell through the cracks, here's
44 what the Council needs to fix. This process has been one of great pride in this county



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1 for a long time. And whether one debated whether there was too much development,
2 too little development, the right amount of development there has been little questioning
3 about the process once everything went to park and planning and stayed there. There
4 are now great questions. And so I think using Ms. Floreen's words if we're looking to get
5 some accountability to make sure that it's right, it's here. With a delay of no more than
6 two weeks, if everything is consistent with the plans. If somebody has a plan that is not
7 in conformance with what was approved well, they're going to have to put up with that
8 additional delay above the 15 days, and guess who's fault that would be? Theirs. So, I
9 am going to feel sorry for those who were expecting to get into their home on day one,
10 but instead will get there on day 15 and given the time that it takes to build a home
11 anyway that time maybe able to be shortened it may not. But for those where it goes
12 beyond day 15, hey, there is somebody to blame here for not following the law. And not
13 playing by the rules.

14
15 Council President Perez,
16 Mr. Silverman.

17
18 Councilmember SILVERMAN,
19 Yeah, don't we normally debate legislation at introduction but since this is expedited Bill,
20 which we're obviously going to be voting on next week, just a couple of comments. If we
21 take what Mr. Subin has said at face value, which I have no reason to doubt ,then in
22 effect what --

23 Councilmember SUBIN,
24 Are you doubting me?

25
26 Councilmember SILVERMAN,
27 I'm not; I have no reason to doubt it. That in effect all this is going to do is in fact, it's not
28 going to be a building moratorium, it's basically going to say that before somebody gets
29 a building permit the Chair of the County Planning Board and Robert Hubbard are going
30 to have to signoff on a piece of paper attesting to the fact that their people have done it.
31 With all due respect to the sponsors of Bill, if this isn't finger pointing at the Chair of the
32 Planning Board and the Director of the Department of Permitting Services I don't know
33 what it is. We haven't had an investigation begun, I guess it's begun, but it hasn't been
34 completed yet. We've had no allegations that I'm aware of that the issues that happened
35 in Clarksburg go beyond Clarksburg. And we still don't actually know what has gone on
36 in Clarksburg except that we have some violations of setbacks and building heights
37 according to the Planning Board's review, but I have yet to be presented with any
38 information about what it is that happened in Clarksburg that may either be unique or
39 not unique to the county. I think the most important thing is that we restore the credibility
40 of our enforcement process and both the Council President and I among others have
41 asked for in effect staffing updates from the Department of Permitting Services and from
42 Park and Planning as to what their needs are in orderto through site plan enforcement.
43 And it's my understanding that we will be getting that by the end of the week. And I think
44 that's really where it may be critical for us to weigh in. The sense that I have gotten is



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1 that they're -- at least based on statements I have seen in the newspaper because we
2 haven't had a request yet from either the Planning Board or DPS that there may be a
3 legitimate question about whether there is adequate staffing at the Planning Board and
4 at DPS to do these site plan enforcement, which they are required to do. We can go
5 ahead and do that. But I'm just looking at a piece of legislation which essentially says
6 that Robert Hubbard and Derick Berlage have to start signing off on permits. And if it
7 isn't going to impact more than a 15 day delay, just holds them, I guess personally
8 accountable for the permit that might have been signed off by somebody else. But I
9 think the real question is going to be when we get back the results of our OLO report,
10 what is it that our Office of Legislative Oversight thinks is wrong or broken with the
11 system. And, we have not even begun that process I'm looking forward to it and
12 whatever other investigations there are, but we should make sure that we understand
13 what this is not, it is not going to add a single staff person to either DPS or to Park and
14 Planning for purposes of site plan enforcement. And if that's what they need to do the
15 job we ought to fund that and move away from personal accountability by the Chair of
16 the Planning Board. Given the fact that there are folks in the community who are
17 already questioning Department of Permitting Services and the Planning Board anyway,
18 I'm not sure how this piece of legislation is going to change folks who are suspect of our
19 planning approval process. I think that the only thing that happens there is when we get
20 more folks out there doing what they are supposed to do, which is inspect and make
21 sure that the buildings that are being proposed are in fact complying with site plans.
22 That's what we had always expected them to be doing and the only information we have
23 to-date about what is going on in Clarksburg that we've been provided is that it looks
24 like somebody changed the plans. And I say we, I'm looking out at the folks from
25 Clarksburg, I Chair the Council's Planning, Housing and Economic Development
26 Committee, to the extent that anybody has communicated with other Council members
27 about what has gone on in Clarksburg or anywhere else that information has not been
28 transmitted to the PHED Committee for purposes of any reviews. There are four of us
29 who represent Clarksburg just like the district representative and I can assure you that
30 there has never been a piece of paper that crossed my desk about anything having to
31 do with violations in Clarksburg since the beginning of this process and I welcome you
32 sending past correspondence to us but I hope we can move forward with what I hope
33 would be a recognition that the issue may come down to whether or not we are
34 enforcing site plans. And what the people are, what people are needed to make sure
35 that we get the job done.

36
37 Councilmember SUBIN,

38 I just want to assure the gentleman from New Hampshire that there is -- not only is there
39 no intent to be fixing the blame here but if I was trying to fix the blame on my friends
40 Derick Berlage and Bob Hubbard I would not have introduced this this way. Because
41 what I'm saying is I am placing my trust in Derick and Bob to be able to review this. And
42 say that it's consistent. They are very talented people and I have ultimate faith in both of
43 them to make sure that what's coming to us and what is happening out in the
44 community is what is supposed to be happening.



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1
2 Council President Perez,

3 I have a question for Mr. Faden. I know that next week because of preexisting
4 commitments a couple of my colleagues are unable to be here. If I understand it
5 correctly then if we have seven folks here then six out of the seven need to approve
6 that. It's not two-thirds of the seven present.

7
8 Council Attorney FADEN,

9 No, that's correct. As an expedited Bill it would need six votes for passage. If it were
10 converted to a regular Bill it would need five.

11
12 Council President Perez,

13 Okay. That is useful. I think as I understand it the goal of the sponsors is to insure that
14 as we review what went wrong in Clarksburg that we're not inadvertently or willingly
15 permitting other violations to occur. And that's what I think I'm hearing you say. Okay.
16 So the question presented is how do we do that? And that's been a question that we
17 have had a lot of discussion on in the Council and with many stakeholders over the last
18 couple of weeks, that's why we have an OLO investigation underway. That's why I
19 speak to the IG fairly regularly and Mr. Dagley is involved, that is why we will get a
20 staffing plan by the end of the week. That's why if I were the Planning Board I would
21 probably on the 28th of July I wouldn't issue a ruling because I would want to peel the
22 onion to its core before I made the determination of culpability and imposed whatever
23 remedies would fit the punishment, fit the crime so to speak. And that's why I've asked
24 them to go to the Home Depot and buy some really big tape measures so that they can
25 measure buildings elsewhere in the county and address the crisis of confidence that
26 undeniably exists throughout the county right now. And we will continue to take a
27 number of steps in this direction and this is another proposal on the table to make sure
28 that as we move forward with this review that we are not, again inadvertently allowing
29 violations to occur. And so we will take this matter up next Tuesday in a hearing and
30 then, with the full Council consideration so, Tuesday will be, obviously a rather full day
31 with the other Bill we have as well and this Bill. So, Mr. Denis.

32
33 Councilmember DENIS,

34 I'd just like to be added as a co-sponsor of the legislation.

35
36 Council President Perez,

37 Thank you. Okay, we will adjourn until next Tuesday. A week from tomorrow.